1523.

SUPREME COURT OF THE UNITED STATES.

No. 74.

HENRY WHEATON AND ROBERT DONALDSON, APPELLANTS,

VERSUS

RICHARD PETERS AND JOHN GRIGG.

APPEAL FROM THE CIRCUIT COURT UNITED STATES FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

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Title. Pleas before the honorable the judges of the circuit court of the United States in and for the district of Pennsylvania, in the third circuit, at Philadelphia, of October sessions A. D., 1831, No. 1.

It is thus contained.

HENRY WHEATON & ROBERT DONALDSON, *citizens of the State of New York,* *vs.* RICHARD PETERS & JOHN GRIGG, *citizens of State of Pennsylvania.* } *In Equity.*

Bill. *To the honorable the Judges of the Circuit Court of the United States for the eastern district of Pennsylvania, in the third circuit:*

Humbly complaining, show unto your honors, your orators, Henry Wheaton and Robert Donaldson, citizens of the State of New York, that your orator, Henry Wheaton, is the author of twelve books or volumes of the Reports of Cases Argued and Adjudged in the Supreme Court of the United States, and commonly known as Wheaton's Reports;—the said twelve volumes forming a connected and complete series of the reports of the decisions of the said court from the commencement of February term of said court, in the year one thousand eight hundred and sixteen, when your said orator, Henry Wheaton, first began to report, until the end of January term, one thousand eight hundred and twenty-seven, when your said orator ceased reporting.

And your orators further show unto your honors, that your said orator, Henry Wheaton, commenced and discharged his duties as such reporter with the approbation, and by the appointment, of the said court; and that, in order to induce your said orator, Henry Wheaton, to undertake such duties, and attend the terms of the said court for the purpose of reporting its decisions, the justices of the said court engaged to furnish to your said orator alone, and for his sole benefit, all such writings or memoranda as they might make of their decisions, and which would aid him in reporting the said cases.

And your orators further show unto your honors, that your said orators Henry Wheaton, accordingly made the business of reporting the decision, of the said court his chief employment; always, during the period of the said reports, having left his residence and business in the city of New York to attend the sittings of the said court at Washington, during its terms, and having, during every term, devoted himself to taking notes of the cases, arguments, and decisions, and to compiling such materials as were necessary for his said reports.

That no one besides your orator attended the said court to take such notes or compile such materials, and that the justices of the said court never furnished their opinions, or any notes of their decisions, during the said period to any other person than your said orator; and that your said orator alone preserved the said notes, opinions, and other materials from which his said volumes were formed; and that having retained such materials in his possession exclusively, he finally destroyed the same.

And your orators further show unto your honors, that, soon after the end of each term of the said court, your said orator, Henry Wheaton, caused to be published a volume containing the reports of the decisions of such term. That the first of the said volumes was published in the latter part of the year one thousand eight hundred and sixteen, or beginning of the year one thousand eight hundred and seventeen, and that, prior to the publication thereof, your said orator, Henry Wheaton, sold, assigned, and made over his copy-right in the said volume to Mathew Carey of Philadelphia, in the said eastern district of Pennsylvania. That the said Matthew Carey, before the publication of the said volume, as proprietor thereof, deposited a printed copy of the title page of such book or volume in the clerk's office of the district court of the said eastern district of Pennsylvania, where the said Matthew Carey then resided. That the same was recorded by the said clerk according to law; and that a copy of the said record was caused by the said Matthew Carey, to be inserted at full length in the page immediately following the title of the said book or volume. And your orators further show unto your honors, that they have been informed by the said Matthew Carey, and verily believe that all things which are necessary and requiste to be done in and by the provisions of the acts of the Congress of the United States, passed the thirty-first day of May, one thousand seven hundred and ninety, and the twenty-ninth day of April, one thousand eight hundred and two, for the purpose of securing to authors and proprietors the copy-rights of books, and for other purposes, in order to entitle the said Matthew Carey to the benefit of the said acts, have been done. And your orators further show unto your honors that, by these means, the said Matthew Carey became the sole proprietor of the copy of the said volume, and acquired the sole right of printing, reprinting, publishing, and vending, the same, and became entitled to all the advantages and privileges provided in and by the said acts of Congress. And your orators further show unto your honors, that the said Matthew Carey, having afterwards conveyed the said copy-right in the said volume to Matthew Carey, Henry C. Carey, and Isaac Lea, trading together in partnership under the firm of Matthew Carey and Sons, the said Matthew Carey, Henry C. Carey, and Isaac Lea, on the eleventh day of September, in the year one thousand eight hundred and twenty-one, by an instrument in writing under their several hands and seals, transferred, assigned and set over to your orator, the said Robert Donaldson, all their right and interest in and to the copy of the said volume; that your orator, the said Robert Donaldson, made the said purchase at the desire of, and by an arrange-

ment with the said Henry Wheaton, and on his behalf, and with the expectation of a renewal of the right of the said Henry Wheaton under the provisions of the said acts of Congress, of which renewal your orator, the said Robert Donaldson, was to have the benefit until the first edition and a second edition of the said volume which the said Robert Donaldson was to publish, should be sold. That your orator, Robert Donaldson, at the time of purchasing the said copy right of the said Matthew Carey and Sons, also purchased of them the residue of the first edition of the said volume then unsold, and in the year one thousand eight hundred and twenty-seven, published another edition of the said volume, a great part of which still remains unsold.

And your orators further show unto your honors that, for the purpose of continuing to the said Henry Wheaton the exclusive right, under the provisions of the said acts of Congress, to the copy of the said volume for the further term of fourteen years, after the expiration of the term of fourteen years, from the recording of the title of the said volume in the clerk's office as aforesaid; your orator, Robert Donaldson, as the agent of the said Henry Wheaton, within six months before the expiration of the said first term of fourteen years, deposited a printed copy of the title of the said volume or book in the clerk's office of the district court of the southern district of New York, where the said Henry Wheaton then resided, and caused the said title to be a second time recorded in the said clerk's office; and also caused a copy of the said record to be a second time published in a newspaper printed in the said city of New York, for the space of four weeks, and delivered a copy of the said book to the Secretary of State of the United States; and that all the said things were done agreeably to the provisions of the said act of Congress of May thirty-first, one thousand seven hundred and ninety, and within six months before the expiration of the said first term of fourteen years.

And your orators further show unto your honors, that, prior to the publication of the second of the said volumes of reports, and of all the rest of the said volumes respectively, your orator, the said Henry Wheaton, deposited a printed copy of the title page of each of the said books or volumes in the clerk's office of the district court of the said southern district of New York, where the said Henry Wheaton at such times resided. That such copy of the title page of each of the said volumes was recorded by the said clerk according to law; and that a copy of the record relating to each volume respectively, was caused by the said Henry Wheaton to be inserted, at full length, in the page immediately following the title of such book or volume; that the said Henry Wheaton also caused a copy of such record relating to each volume respectively, within two months from the date of such record, to be published in a newspaper printed in the said city of New York for the space of four weeks. And your orators further show unto your honors, that the said Henry Wheaton not having before the publication of the said second and subsequent volumes assigned or parted with his proprietory interest therein; but having only, as is hereinafter mentioned, sold the privilege of publishing an edition of the same, and being particularly acquainted with the requisites of the said acts of Congress, attended himself to a compliance with such requisites, and the performance of all such acts as were necessary to be done in order to secure his copy-right in such volumes, and especially to the delivery of a copy thereof, under the provisions of the said acts, to the Secretary of State of the United States within six moths after the publication of each volume respectively, to be preserved in the office of

the said Secretary of State. And your said orator, Robert Donaldson, further showeth unto your honors, that he has caused inquiries to be made at the office of the said Secretary of State, and has been informed that a copy of each of the said volumes, respectively, was received there within six months after the publication of such volume, was placed in the room appropriated to books delivered under said acts, and has ever since been preserved there; all which your orator Robert Donaldson believes to be true.

That the said Henry Wheaton is now absent at Copenhagen, where he represents the Government of the United States near the court of Denmark; and that your orator, Robert Donaldson, has been unable in his absence to procure or receive any information from him, for the purpose of enabling him to file this, your orator's, bill of complaint. But your said orator, Robert Donaldson, from information received from the said Henry Wheaton formerly, at different times, and especially at the time of the publication of each volume respectively, has no doubt that a copy of each volume, respectively, was so delivered within six months after the publication by the said Henry Wheaton, to the said Secretary of State, to be preserved in his office. And your orators further show unto your honors that no record or memorandum being required by law, to be kept of the depositing of a copy of a book in the Secretary of State's office, according to the provisions of the said acts of Congress of May thirty-first, one thousand seven hundred and ninety, and the same having in many cases been omitted to be done, and, as your orators are informed, there having been the greatest irregularity in this respect in the said department, and as the books delivered to the said Secretary of State, under the said acts of Congress, are regarded by those belonging to the office in no other light than as forming a library for the office, and are accordingly so received, treated, and used, being often lent out, and being subject to be taken away by the officers of the Government who have occasion to use them, it is now impossible to obtain proof from the proper officers of the said department, of whom your orators have caused particular inquiries to be made, whether a copy of each of the said volumes of reports was so delivered by the said Henry Wheaton to the Secretary of State.

And your orators further show unto your honors, that, from the examination they have caused to be made in the said Secretary of States' office, it appears that, in a great majority of the cases in which books have been copy-righted, or supposed to have been copy-righted, the said office affords no evidence whether a copy of the book was delivered to the Secretary of State agreeably to the provisions of the said last mentioned act of Congress.

And your said orator, Robert Donaldson, further showeth unto your honors that he is unable for these reasons, and from the lapse of time, in the absence of the said Henry Wheaton, to furnish any other evidence of the delivery of the said copies than he has hereinbefore done. And your orators humbly insist, that, if they have been, or should be unable to prove that a copy was delivered to the said Secretary of State in conformity with the provisions of the said act of one thousand seven hundred and ninety, your orators would still be entitled to the benefits of the said acts. And your orators further show unto your honors that, before the publication of the said second volume of the said reports, the said Henry Wheaton, by an agreement in writing, dated the twenty-eighth day of April, in the year one thousand eight hundred and seventeen, sold to *Charles* S. Van Winkle and Charles Wiley the right and privilege of publishing an edition of one thousand copies of the said volume, and thereby agreed that he would not pub-

lish, or cause or suffer to be published, another edition of the same until the whole of the said edition published by them should be exhausted and sold; which said right and privilege the said *Charles* S. Van Winkle and Charles Wiley, on the twenty-ninth day of the said month of April, by a memorandum in writing, assigned, made over, and sold to your said orator Robert Donaldson.

And your orators further show unto your honors that, before the publication of the third and subsequent volumes of the said reports, respectively, the said Henry Wheaton, by an agreement in writing, sold to your orator, the said Robert Donaldson, the right and privilege of publishing an edition of each of the said volumes; that is to say, an edition of one thousand copies of the third volume, of fifteen hundred copies of the twelfth volume, and of twelve hundred and fifty of each of the intermediate volumes, and agreed with your said orator, Robert Donaldson, that he would not publish, or cause or suffer to be published, another edition thereof until such first edition should be sold. And your orators further show unto your honors that no other editions of the said second and subsequent volumes have ever been published, but that a great part of the edition of each volume, so published, still remains unsold in the hands of your orator, Robert Donaldson; and that the property which your said orator now has in such unsold portions of the said editions, is of the value of from twenty-five to thirty thousand dollars. And your orators charge that the property belonging to, and remaining in your orator, the said Henry Wheaton, in the copy of the said volumes of reports, is of the value of more than two thousand dollars for each volume; and that, if the said defendants have a right to publish the same, their profits will be more than two thousand dollars on each volume; and that, if they are to be allowed so to publish the same, your orator's property in the said editions, and in the copy of the said volumes, will be wholly destroyed in value.

And your orators further show unto your honors, that they have, until the publication lately of a book called Peters' Condensed Reports, as your orators will more particularly state hereafter, been in the uninterrupted enjoyment of the copy-right of the said several volumes of reports, and that their rights in and to the copy of the same have never, until the said publication was contemplated, been doubted, questioned, or invaded.

And your orators further show unto your honors, that Richard Peters, a citizen of the State of Pennsylvania, has lately edited and caused to be published and sold, and John Grigg, also a citizen of the said State of Pennsylvania, hath printed and assisted the said Richard Peters in the publication and sale of a book or volume purporting to contain, and by them declared to contain, the said first volume of Wheaton's Reports, which said book or volume so published by the said Richard Peters and John Grigg, is entitled as follows: "Condensed Reports of Cases in the Supreme Court of the United States, containing the whole series of the decisions of the Court from its organization to the commencement of Peters' Reports, at January term, 1827, with copious notes of parallel cases in the Supreme and Circuit Courts of the United States. Edited by Richard Peters, Counsellor at Law, and Reporter of the Decisions of the Supreme Court of the United States. Vol. 3. From February term, 1814, to February term, 1816, inclusive. Philadelphia: John Grigg, No. 9, North Fourth street. 1831."

And your orators charge that the said book does contain, without any material abbreviation or alteration, all the reports of cases contained in the said

first volume of Wheaton's Reports, and that the publication and sale thereof is a direct violation of your orators' said rights.

And your orators charge that the said defendants, Richard Peters and John Grigg, have sold, or caused to be sold, a great number of copies of the said book so published by them as aforesaid, and respectively hath or have many copies more of the said book printed ready for sale: and that they, the said defendants, are continuing to sell the same, and that they have made considerable sums, and have made, and do make, considerable profit by the sale of such book.

And your orators further show unto your honors that the said Richard Peters and John Grigg threaten, and intend to continue the publication and sale of the other volumes of the said reports of your said orator, Henry Wheaton, in future volumes of the said Condensed Reports by the said Richard Peters, the series of which has been so commenced by them: which intention is avowed by them in two several printed circulars or advertisements published by them, and copies of which your orators, for greater certainty, annex to this their bill of complaint, and pray that the same may be taken and deemed to be a part of the same; the first of which said circulars, marked A., was published from two to three years since, as your orators charge; and the second, marked B., was published by them about six or eight weeks since.

And your orators further charge, that, after the publication of the said first circular, the said Richard Peters and John Grigg caused it to be given out, for the purpose of deceiving your orators, that the intention to publish the said Wheaton's Reports had been abandoned, and your orators were thereby deceived and prevented from applying to this honorable court to restrain the publication of the same in season, and that the second of the said circulars was not published until the said third volume of Condensed Reports was ready for publication, or was published.

And your orators further show unto your honors that the said Richard Peters, in making his said third volume of Condensed Reports, has taken the statement of the cases and decisions of the court, and the abstracts thereof, at the term of February, one thousand eight hundred and sixteen, from the said first volume of Wheaton's Reports; and your orators charge that he intends to make the subsequent volumes of his said Condensed Reports in the same manner.

And your orators further show unto your honors that the fourth volume of the said Condensed Reports is now in press, and is threatened to be published in the present month of May, and that the same will contain several volumes of the said Wheaton's Reports. That the advertisement of the publication of the said Condensed Reports, and the publication of the said third volume thereof, have entirely suspended the sale of the said Wheaton's Reports.

But now, so it is, may it please your honors, that the said Richard Peters, combining and confederating with the said John Grigg, and to and with divers other persons, at present unknown to your orators, but whose names, when discovered, your orators pray may be herein inserted, and they made parties defendant hereto, with proper and apt words to charge them, and contriving how to injure and oppress your orators in the premises, sometimes pretends that your orators have no copyright in the said books, some of the provisions of the said statutes or acts of Congress not having been complied with; whereas your orators charge the contrary thereof to be the

truth, and that all the provisions of the said acts of Congress have been complied with, and that every thing has been done which was, by the said acts of Congress, required to be done in order to entitle your orators to the benefit of the said acts; and that if it were otherwise, your orator, Henry Wheaton, has, as the author of the said Reports, the property in the copy of the same, and the sole right to enjoy and dispose of the same. All actings, doings, and pretences, are contrary to equity and good conscience, and tend to the manifest wrong and injury of your orators in the premises. In tender consideration whereof, and for as much as your orators are remediless in the premises at and by the direct and strict rule of the common law, and cannot have adequate relief, save in a court of equity, where matters of this and the like nature are properly cognizable and relievable: to the end therefore that the said Richard Peters and John Grigg, and the rest of the confederates when discovered, may, upon their several and respective corporal oaths, full, true, direct, and perfect answer make to all and singular the matters hereinbefore stated and charged, as fully and particularly as if the same were hereinafter repeated, and they thereto distinctly interrogated; and that not only as to the best of their respective knowledge and remembrance, but also as to the best of their several and respective information, hearsay, and belief, and more especially that they may answer and set forth at what time the said third volume of Condensed Reports was published, and how many *and how many* copies thereof were printed, and especially of that part which contains the said cases of February term, one thousand eight hundred and sixteen, and what have been done with the whole or any part of such copies, and how many of the same have been sold, and in what places, and by and to whom; and how many of the same remain unsold, and where the same now are; and how many of the unsold copies remain in the hands of the said defendants, or either of them, or under their disposition and control, and where they now are; and how many have been sent to other persons, or placed in the hands of other persons, to be sold or disposed of, and where such persons reside, and the names of such persons, respectively, and how many copies have been sold by such persons, and what they have done with the residue; and the prices which are demanded for the said copies, by themselves, correspondents, or agents, and for what prices the same are or have been sold or disposed of. And that they may set forth a particular account of the same, and, also, a full and particular account of all the profits which they, and each of them, respectively, or any person or persons, by their or either of their order, or for their or either of their use, have or hath made or received, or contracted for, by means of the making and editing, and of the publication and sale of the said third volume of Condensed Reports. And that the said defendants may state whether they have begun to print the fourth volume of the said Condensed Reports, and how many volumes of the said Wheaton's Reports will be contained therein, and how many copies they are causing to be printed of the said fourth volume of Condensed Reports, or how many copies they intend to print of the subsequent volumes of the said Condensed Reports. And that the said defendants may be respectively restrained by the order and injunction of this honorable court, from the further threatening to print and publish, and from further printing, publishing, selling, or exposing to sale, by themselves or their agents or servants, the said Condensed Reports, or any part thereof, containing any part of the said Wheaton's Reports, or any other book containing the same, and from parting with the possession of such copies as are

in their *their* possession and unsold. And that the said defendants may be decreed to come to a fair and just account with your orators for the produce and profits of the said Condensed Reports, and to pay to your orators what shall be found coming to them on the taking of such account, after making to the said defendants all just allowances, and for such other and further relief as may to your honors seem agreeable to equity and good conscience:

May it please your honors to grant unto your orators the President of the United States of America's most gracious writ of subpœna, to be directed to the said Richard Peters and John Grigg, thereby commanding them at a certain day, and under a certain pain therein to be inserted, personally to be and appear before your honors in this honorable court, then and there to answer the premises, and to stand to and abide by such order and decree therein as to your honors shall seem agreeable to equity and good conscience. And, also, to grant unto your orators the said President's most gracious writ of injunction, to be directed to the said Richard Peters and John Grigg, commanding them, and each of them, that they do not further threaten to print and publish, and that they do not further print, publish, or sell, or expose to sale by themselves or their agents or servants, the said Condensed Reports, or any part thereof, containing any part of the said Wheaton's Reports, or any other book containing the same, and that they retain in their possession all such copies of the same as are unsold and in their possession.

And your orators will ever pray, &c.

CHAS. CHAUNCEY,
HOR. BINNEY,
Sol'rs for the Complainants.

SOUTHERN DISTRICT OF NEW YORK, ss.

Robert Donaldson, one of the complainants in the above bill of complaint, being duly sworn, deposeth and says, that the facts set forth in the said bill, as of the knowledge of the complainants, or of this deponent, are true; and that such as are otherwise set forth, are true to the best of this deponent's information, knowledge, and belief.

ROBERT DONALDSON.

Sworn this 23d day of May, 1831, before me.

R. RIKER,
Recorder of the City of New York.

Exhibit A.

PROPOSALS

For publishing, by subscription,

THE CASES

DECIDED IN THE SUPREME COURT OF THE UNITED STATES,

From its organization to the close of January term, 1827.

The Supreme Court of the United States has been organized for thirty-eight years, and its decisions form in themselves almost an entire code of laws. Many of the difficult and important questions of constitutional construction, and of the nature and extent of the powers reserved, granted, and claimed, under the constitution, have passed under the careful observance

and judgment of the court. International questions of the highest moment; numerous points of general commercial law; principles upon which, as its deep and broad foundations, the law of evidence rests; the construction of statutes of the United States; the rules and statutes by which the titles derived under the United States to the lands held by the enterprising and prosperous inhabitants of the vast and fertile regions of the south and west, are permanently governed—all have been subjects of investigation and final adjudication in this court.

The chancery jurisdiction of the federal courts has brought before the Supreme Court, in submission to its scrutiny and judgment, most of its rules of equity practice, and much of general chancery law; and the right of appeal and writ of error, by which cases arising in the courts of the District of Columbia may be removed for final determination, has obliged the court to decide many points which, but for this domestic jurisdiction, might not have been brought under its consideration. Many of the questions which are presented in cases from the District of Columbia, are of usual occurrence in the common transactions and business of life, and are of very general application and influence.

Considerations growing out of these circumstances, seem to impose the necessity that the law thus general, thus established, thus supreme, should be universally known. That there should be found but few copies of the reports of the cases decided in the Supreme Court of the United States in many large districts of our country, in which there are federal and State judicial tribunals, is asserted to be a frequent fact. In some of those districts, it is positively averred that not a single complete copy of all the reports is in the possession of any one, and thus the great and overruling law of the land is almost unknown in many populous parts of the Union. These things should not be.

It will not be denied that these circumstances are the consequences of the heavy expense which must be incurred by the purchase of the two volumes of the Reports of Mr. Dallas, the nine volumes of Mr. Cranch, and the twelve of Mr. Wheaton's Reports; together twenty three volumes—the cost of which exceeds one hundred and thirty dollars.

It is proposed to publish all the cases adjudged in the Supreme Court of the United States from 1790 to 1827, inclusive, in a form which will make the work authority in all judicial tribunals, and to complete the publication in not more than six volumes, the price of which shall not exceed thirty-six dollars. The opinion of the court upon all the points decided in every case will be given in the language of the court expressing the determination, and such a statement or abstract of the facts on the office record of the cause will be made, as will fully and accurately exemplify the decisions of the court. The reports this day published will continue the series.

The matter will not be abbreviated, so as to omit any thing which is important, or may be in any manner a part of the essential features of the case.

An abridgment is not contemplated: the work is intended to be of a higher order; and it will only be from want of ability in the editor, if it does not contain a complete and faithful representation of the material and useful parts of every case adjudged by the court up to the period stated. If there are any unpublished cases decided by the court, and the editor can obtain them, they will be inserted in this work.

An effort will be made to give a reference in each case to the parallel cases which have been decided by the court, and, in some instances, the reported

and manuscript decisions upon the same questions, in the circuit courts of the United States, will be noted.

Each case will be preceded by a copious syllabus, itself a digest of the matter it contains; and, after the work shall be completed, all this matter will be arranged in a supplemental or general index, in which will be also included abstracts of the cases which may be contained in the volumes the editor, as the reporter of the decisions of the court, may publish hereafter, prior to the period when he shall have fully executed the contemplated work. This may form an additional volume, if the profession and the public shall require it.

It is not considered that the work now announced, and part of the materials for which are arranged, will interfere with the interests of those gentlemen who have preceded the reporter in the station he has the honor to hold. Deeply as he is impressed with the absolute necessity of the work announced, he would exceedingly regret such an interference. Their volumes will always be standards for reference, and of the highest authority; and every member of the profession who has ability to purchase them, will own them. The legal rights of the proprietors of those most able and valuable works will be carefully respected. Nothing will be inserted in the contemplated publication but matters which are of public record, and which, from their very nature, cannot be the subject of literary property. The opinions of the court, which are public property, are referred to.

Indeed, the work proposed, like the Digest of Mr. Wheaton, in which was included all the points reported as decided in the volumes of Mr. Dallas and Mr. Cranch, will, it is believed, increase the demand for the original reports, as their superior merits and accuracy will, by its means, become more generally known.

A valuable addition to the library of every lawyer will soon be made in a digest of all the decisions of the courts of the United States, which is nearly completed, by Richard S. Coxe, esquire, of the city of Washington, a gentleman of great legal learning, discrimination, and judgment, upon a plan of very superior arrangement; and this, too, as well as the work which has been commenced by the reporter, will contribute to increase the reputation of the original Reports of Cases decided in the Supreme Courts of the United States, for which the public are so largely indebted to Mr. Dallas, Mr. Cranch, and Mr. Wheaton.

Should the proposed work have the support of the profession, to whose patronage it is now respectfully submitted, it is intended to put the first volume to press without delay, and that the whole shall be completed at an early period. Subscriptions are therefore earnestly solicited, and those who are disposed to encourage the undertaking, will promote its speedy accomplishment by giving to it promptly the sanction of their names upon the subscription list.

The terms of subscription are, for each volume, neatly bound, six dollars. Booksellers and others who subscribe for twenty copies, will be entitled to a deduction of twenty per cent., and four months' credit; for fifty copies twenty-five per cent., and six months' credit. The price to non-subscribers will be six dollars in boards.

PHILADELPHIA, *June*, 1828.

NAMES OF SUBSCRIBERS.	RESIDENCE.	NO. OF COPIES.

B.

WASHINGTON, *March* 2, 1831.

Mr. JOHN GRIGG, *Philadelphia.*

DEAR SIR: Your letter of the 28th ultimo, communicating a copy of a letter from Mr O. Halstead, of New York, under date of the 26th of February, has been received.

In that letter, Mr. Halstead states that he is "threatened with a prosecution if he sells the third volume of the Condensed Reports of Cases in the Supreme Court of the United States," edited by me, "as it contains a condensation of the first volume of Wheaton's Reports." Mr. Halstead also says, "I should be pleased to sell the work, and no doubt I could dispose of a number of copies, but do not wish to involve myself in difficulty."

The prudence and caution of Mr. Halstead are proper, and I do not complain of them. It is for myself, who have undertaken the publishing of this work, with a firm determination to complete it, to encounter every "difficulty" which may attend the same.

I have heretofore stated to you in writing, and I now repeat the declaration, that I am ready to encounter those difficulties, nor do I ask any one to share them. I have said it, and I now repeat the assurance, I will indemnify and save harmless from all costs and damages all who publish or sell the work.

The prospectus of the Condensed Reports has been before the public for upwards of two years. In that prospectus it was distinctly and explicitly avowed, and the same is stated in the title page of the first and second volumes, published in 1830, that the work will contain "the whole series of the decisions of the Supreme Court of the United States from its organization to the commencement of Peters's Reports in 1827." In express terms, the prospectus declares, "that the Condensed Reports would contain the cases found in the volumes of Mr Dallas, the nine volumes of Mr. Cranch, and the twelve volumes of Mr. Wheaton.

Thus, sir, all those who "threaten a prosecution," have had a full knowledge of the entire scope and purpose of this work for the period mentioned, and no application has been made to any judicial tribunal to stay its progress. Nor is this all: as soon as my work was announced, I was applied to by a gentleman of New York, a bookseller, and was required to relinquish it on the ground that it would violate his copy-right in the Reports of Mr. Wheaton. He "threatened" me with the consequences of going on in my purpose. To this I replied, promptly, that I would proceed with the publication, and that he was at liberty to employ all legal means for the maintenance and protection of his rights, if any existed. It is known that the laws of the United States relative to copy-right afford those means; an injunction may be obtained, if a copy-right has been secured in a work, to prevent the publication of any work which will interfere with the property so secured. The injunction will be perpetuated if cause exists, and the protection will be permanent. Any injury which the proposal of the unlawful publication may have threatened, will be remedied, and the notoriety of judicial proceedings will restore the author or proprietor of the original work to all the rights and benefits of his copy-right. It is not necessary that the rival work shall have been published to give the court jurisdiction in the case: the proposition to publish it is a sufficient foundation for the action of the courts of the United States to proceed by injunction, under the

acts of Congress. Why, therefore, it is asked—nay, it is demanded, has not this—have not other measures, of an equivalent character been resorted to by those who have "threatened," and do "threaten," to prosecute for the publication of my Condensed Reports? It is because those who thus "threaten," know there is no copy-right for the Reports of Mr. Wheaton, or for any one volume of the work? They know that the requisites of the acts of Congress of 1790 or 1802, have not been complied with. They know that if they present themselves before a court to assert a copy-right, they would fail in the attempt, and that it would be judicially declared that no such copy-right exists. While they thus avoid the public and certain consequences of such a proceeding, they hope to profit by threatening the timid, and all those who are properly desirous to avoid "difficulty." Thus they gain by threats which they do not intend to carry into action, and they avoid *they* exposure of the weakness of the title they assert.

I aver that there does not exist a copy-right, legally secured, to any one volume of Mr. Wheaton's Reports, and I challenge an application to any court to maintain such a right. In addition to other objections to the pretended claim to a copy-right resting on other facts and principles, I have in my possession the certificate of the Secretary of State of the United States, that not a single volume of Mr. Wheaton's Reports has been deposited in the office of the Secretary of State for the purpose of securing a copy-right. This omission is fatal; so it has been decided, as I am well assured, in New York, and I abstract a decision of Mr. Justice Washington, which is conclusive on the question.

"To entitle the author of a book to a copy-right, he must not only deposite a printed copy of such book in the clerk's office, but he must also publish a copy of the record of the title within the period and for the length of time prescribed by the third section of the act of 1790, and must also deposite a copy of the book in the Secretary of State's office within six months after the publication of the book. He must perform all the requisites of the acts of 1790 and 1802 before he is entitled to the benefits of the act—the act will admit of no other construction."—Ewer et al. vs. Coxe and Carey and Lea, 4 Washington's Circuit Court Reports, 487; 3 Peter's Condensed Reports, 373, notes.

A few words more on this matter. Mr. Halstead says "he is threatened with a prosecution for selling the third volume of the Condensed Reports, because the first volume of Wheaton is condensed in that volume." Can there be a more complete proof of the absence of all right in those who threaten than is exhibited by this fact? It is in New York those threats are made; no one in Philadelphia has threatened, and yet no copy-right for 1st Wheaton was ever asserted to belong to any one in New York, and had one been regularly secured, it has expired. The work was entered for copy-right by the venerable Matthey Carey, esquire, of our city, on the 20th of December, 1816. The law gives a right, if its requisites are complied with, for fourteen years; that period terminated on the 20th of December, 1830, and the third Condensed Reports was not published until February, 1831.

I can add no more on this subject; the work will go on. The fourth volume, to contain at least three volumes of Mr. Wheaton's Reports, will be put to the press soon after the month of April. I invite investigation of the legality of my publication. I challenge it: I stipulate to indemnify and save harmless all who publish or sell the work, and to take defence in any pro-

secution which may be instituted against them. I authorize and request you to furnish a copy of this letter, either printed or written, to Mr. Halsted, and to any other person.

I request him to hand a copy of it as from me, and by my authority, to those who have threatened him, or may threaten him with prosecution.

Nothing, sir, can stay the progress or the success of the Condensed Reports, as you know the greater part of the first edition has been disposed of, and you have proposed to me to put another to the press.

Congress, yesterday, by a joint resolution, passed, under circumstances particularly gratifying to me, authorized the purchase of seventy copies of the work. It is in constant use in the Supreme Court of the United States, by the bench and the bar. Every day new demands are made for it, and additional evidence received of its usefulness.

It has placed the decisions of the Supreme Court within the power of very many who could not purchase the works of Mr. Dallas, Mr. Cranch, and Mr. Wheaton, in consequence of their great cost.

All the cases decided in the Supreme Court of the United States, reported by Mr. Dallas, Mr. Cranch, and Mr. Wheaton, will be contained in this work, with notes of all the circuit court decisions, and it may be purchased for one-fifth of the original cost of those works.

It will diffuse a knowledge of the decisions of that high court and of those of the circuit courts, and will thus strengthen and secure the foundations of the federal judiciary. These will be my rewards for the labors of the publication, and their anticipation has been the chief inducement to undertake it. I am yours, very respectfully,

RICHARD PETERS.

SEPARATE ANSWER OF RICHARD PETERS.

To the honorable the judges of the Circuit Court of the United States for the eastern district of Pennsylvania, in the third circuit.

The separate answer of Richard Peters to the bill of complaint of Henry Wheaton and Robert Donaldson.

This respondent, saving and reserving to himself all benefit of exception to the many defects, imperfections, and errors in the said bill of complaint, for answer thereto, or to so much thereof as he is advised it is material for him to answer unto, answering saith:

That this defendant has lately edited and caused to be printed, published, and sold, and that John Grigg has published and sold, and assisted this defendant in the publication and sale of a book or volume purporting to contain certain decisions of the Supreme Court of the United States: and this defendant believes and admits that the same decisions of the Supreme Court of the United States had previously been published in a book entitled the first volume of Wheaton's Reports. The book so edited by this defendant, is entitled "Condensed Reports of Cases in the Supreme Court of the United States, containing the whole Series of the Decisions of the Court from its Organization to the commencement of Peters's Reports, at January Term, 1827, with copious Notes of Parallel Cases in the Supreme and Circuit Courts of the United States, recited by Richard Peters, Counsellor at

Law, and Reporter of the Decisions of the Supreme Court of the United States, vol. iii. From February Term, 1814, to February Term, 1816, inclusive. Philadelphia: published by John Grigg, 9 N. Fourth street, 1831." And this defendant does not admit, but expressly denies, that the said book contains otherwise than he has stated, without any material abbreviation or alteration, all the reports of cases contained in the said first volume of Wheaton's Reports; nor does he admit, but expressly denies, that the publication and sale thereof is a direct violation of the complainants' rights. This defendant admits that a great number of the copies of the said book have been sold by this defendant, and by the said John Grigg, as the agent of this defendant, who have many copies more of the said book printed ready for sale, and are continuing to sell the same, and have made considerable sums, and have made and do make considerable profit by the sale of such book. He also admits that he intends to continue the publication and sale of other decisions of the Supreme Court of the United States, in future volumes of the said Condensed Reports—the series of which has been so commenced—upon the same plan with the volume of Condensed Reports above referred to, which decisions of the Supreme Court of the United States have already been published in Wheaton's Reports. He also admits that he has caused to be published the two several printed circulars or advertisements, of which copies are annexed to the complainants' bill, and referred to in the said bill as exhibits A and B. But this defendant expressly denies that he has, at any time, caused it to be given out that the intention to publish the said reports had been abandoned. On the contrary, he expressly declares and avers, that he has always openly announced his intention to proceed with the said publication, and he communicated such intention, in writing, to Robert Donaldson, one of the complainants.

This defendant further saith, that the Condensed Reports which he has published as aforesaid, contain nothing which is the exclusive property of the complainants, or which, being also contained in Wheaton's Reports, is susceptible of being made the subject of literary property. He respectfully submits that the matter contained in the said reports is either publicly recorded among the archives, and composes a part of the documents filed in the offices of the clerks of the Supreme and Circuit Courts of the United States, or has been openly and publicly pronounced and uttered by the judges of the Supreme Court of the United States, after having been by those judges respectively reduced to writing; that the matter published in the Condensed Reports, which was previously published in Wheaton's Reports, was not derived from the learning, talents, or industry of the author or publisher of Wheaton's Reports, or composed by him; that, if the justices of the said court furnished to the said Henry Wheaton, the complainant, the writings or memoranda of their decisions, as alleged in the complainants' bill, it was so done for the purpose of enabling him to communicate them to the public, and not exclusively for the private advantage or interest of the said Henry Wheaton. The defendant further saith, that much of the literary and professional labor bestowed on the said Condensed Reports, and of the matter contained in the same, is and are in no respect whatever derived from, or aided by the reports of the said Henry Wheaton. References are given in the said Condensed Reports to parallel cases which have been decided in the same court, and to the reported and manuscript decisions upon the same questions in the Circuit Courts of the United States, and each case is preceded by a copious syllabus, itself a digest of the matter it contains.

The arguments of counsel are omitted, the same having been regarded by this defendant as susceptible of being made the literary property of a reporter, and the publication of them not compatible with the abbreviated form designed for the Condensed Reports The said Condensed Reports contain reports of cases materially abbreviated and altered from the reports of the same cases in Wheaton's Reports, and this defendant submits that the publication thereof is, in no respect whatever, a violation of the rights of the complainants, if they have any exclusive or peculiar rights in, or concerning the said Wheaton's Reports, which this defendant does not admit, and prays that they may be required to substantiate and prove.

And this defendant further saith, that, by an act of the Congress of the United States, passed on the thirty-first day of May, 1790, "for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned," it is enacted that no person shall be entitled to the benefit thereof, unless he shall deposite a printed copy of the title of his map, chart, book or books, in the clerk's office of the District Court, where the author or proprietor shall reside; and that such author or proprietor shall, within two months from the date thereof, cause a copy of the record to be published in one or more of the newspapers printed in the United States, for the space of four weeks; and that the author or proprietor shall, within six months after the publishing thereof, deliver or cause to be delivered to the Secretary of State, a copy of the same, to be preserved in his office. Notwithstanding the provisions of the said act of Congress, and of the act of Congress supplementary thereto, of the twenty-ninth of April, 1802, the complainants do not state in their bill that, within two months from the date thereof, a copy of the record of the first volume of Wheaton's Reports was published in one or more of the newspapers printed in the United States for the space of four weeks, nor do the complainants set forth in their said bill that, within six months after the publishing thereof, the author or proprietor of the said book delivered, or caused to be delivered, to the Secretary of State a copy of the same to be preserved in his office, and this defendant prays that the complainants may be required to give adequate proof of the compliance with the requisites of the act of Congress aforesaid, in each of the said particulars. And this defendant further states that he has made, and caused to be made, diligent inquiry and search at the office of the Secretary of State, and has received proof, under the certificate and seal of the Secretary of State, as full and satisfactory as negative proof can be; and this defendant does himself firmly believe that no such copy of the first volume of Wheaton's Reports was delivered to the Secretary of State, agreeably to the provisions aforesaid, but that the same was altogether omitted to be done. And this defendant farther saith that the complainants, in their said bill, have not alleged or set forth that, within six months after publishing the second of the said volumes of Wheaton's Reports, or of any of the rest of the said volumes, the author or proprietor delivered, or caused to be delivered to the Secretary of State, a copy of the same, to be preserved in his office, as, by the provisions of the said act of Congress, is requisite and necessary; and this defendant further states that he has made, and caused to be made, diligent inquiry and search at the office of the Secretary of State, and has received proof under the certificate and seal of the Secretary of State, as full and satisfactory as negative proof can be, and this defendant does himself firmly believe that no such copy of the second volume, or of any of the rest

of the volumes of Wheaton's Reports, was delivered to the Secretary of State agreeably to the provisions aforesaid, but that the same was altogether omitted to be done. And this defendant respectfully insists that the complainants are not entitled to the benefit of the said acts of Congress, or either of them, if the copies of the said several volumes of Wheaton's Reports have not been so delivered to the Secretary of State, in conformity with the provisions of the said act of one thousand seven hundred and ninety, or if the complainants are, or shall be, unable to prove the said delivery.

And this defendant respectfully submits that, until the complainants shall have made manifest to this honorable court that they have complied with the requisites of the said acts of Congress, and are in all respects entitled to the exclusive ownership and enjoyment of the copy-rights claimed by them, they have no right to call upon the defendants to answer to the several matters propounded to them in the said bill of complaint, or to any of them; and while this defendant proceeds, out of great deference and respect for this honorable court, to reply to the matters specially inquired of, he does so with a protestation; and, reserving all his rights, he prays that this answer may be received accordingly, and that it may avail as a plea, if, in the opinion of your honors, the complainants have not exhibited such a case as would give them a right to call on the defendants for an answer to the interrogatories proposed.

And this defendant, in precise answer to the said interrogatories, farther saith, that the third volume of the said Condensed Reports was published on or about the eighth day of February, one thousand eight hundred and thirty-one. That fifteen hundred copies thereof were printed, all of which contain the cases decided at February term, one thousand eight hundred and sixteen. Fifty copies were presented to William Cranch, esquire. About eight hundred copies have been sold, but the precise number cannot be ascertained. The sales were made by John Grigg, as the agent of this defendant, with the exception of a few copies sold by Thomas Desilver and this defendant. Seventy copies were subscribed for by the Secretary of State, under the authority of Congress, at five dollars per volume. These have not been paid for. The copies unsold are in the book-stores of Thomas Desilver and John Grigg, in the city of Philadelphia, and are under the control of this defendant. The sales have been made in the principal cities and towns of the United States.

The retail price has been six dollars per volume. The sales made to booksellers have been made with the usual deductions. This defendant cannot particularly state all the persons to whom sales have been made, or the exact prices at which each copy has been disposed of, or estimate the profits of the work; but all the papers and accounts relative to the same are freely offered to the inspection and examination of your honors, or of such auditor or master as may, if it be deemed necessary, be appointed by your honors to inspect and examine the same. The said third volume of Condensed Reports contains six hundred and thirty-five pages, of which four hundred and sixty-one contain the cases reported in the eighth and ninth volumes of Cranch's Reports. A portion of the matter designed for the fourth volume of Condensed Reports has been prepared for the press, but no part has been printed. The said fourth volume, together with two additional volumes, will contain all the cases of which reports are contained in the second and succeeding volumes of Wheaton's Reports, but it cannot be ascertained what will be the contents of each particular volume.

And this defendant doth not know, nor can he, as to his belief or otherwise, save as he is informed thereof by the said bill, set forth whether the circumstances in the said bill charged and stated, and not herein before particularly admitted or denied, are true, or how otherwise, and prays, if necessary to the complainant's case, that they may be required to prove the same. And this defendant denies all, and all manner of unlawful combination and confederacy wherewith he is by the said bill charged. Without this, that there is any other matter, cause, or thing in the said complainants' said bill of complaint contained (material or necessary for this defendant to make answer unto, and not herein and hereby well and sufficiently answered, confessed, traversed, and avoided or denied) is true, to the knowledge or belief of this defendant. All which matters and things this defendant is ready and willing to aver, maintain, and prove, as this honorable court shall direct: and humbly prays to be hence dismissed with his reasonable costs and charges in this behalf most wrongfully sustained.

J. R. INGERSOLL, *for the Defendant.*

Richard Peters, the above named defendant, being duly sworn, according to law, deposeth and saith that the foregoing answer is just and true, to the best of his knowledge, judgment, recollection, and belief.

RICH. PETERS.

Sworn and subscribed, this third day of September, 1831.

R. WILLING, Junior, *Alderman.*

Separate answer of John Grigg.

To the honorable the Judges of the Circuit Court of the United States for the eastern district of Pennsylvania, in the third circuit.

The separate answer of John Grigg to the bill of complaint of Henry Wheaton and Robert Donaldson:

This respondent, saving and reserving to himself all benefit of exception to the many defects, imperfections, and errors in the said bill of complaint, for answer thereto, or to so much thereof as he is advised it is material for him to answer unto, answering, saith: that this defendant has lately published and sold, and assisted in the publication and sale of a book or volume purporting to contain certain decisions of the Supreme Court of the United States; and this defendant believes and admits that the same decisions of the Supreme Court of the United States had previously been published in a book entitled the first volume of Wheaton's Reports.

The books so published and sold by this defendant is entitled "Condensed Reports of Cases in the Supreme Court of the United States, containing the whole series of the decisions of the court from its organization to the commencment of Peters' Reports, at January term, 1827, with copious notes of Parallel Cases in the Supreme and Circuit Courts of the United States. Edited by Richard Peters, Counsellor at Law, and Reporter of the Decisions of the Supreme Court of the United States, vol. 3. From February term, 1814, to February term, 1816, inclusive. Philadelphia: published by John Grigg, 9, N. Fourth street. 1831." And this defendant does not admit, but expressly denies, that the said book contains otherwise than he has stated, without any material abbreviation or alteration, all the reports of cases contained in the said first volume of Wheaton's Reports; nor does he admit, but expressly denies, that the publication and sale thereof is a direct violation of

the complainants' rights. This defendant admits that a great number of the copies of the said book have been sold by the defendant, and by the said Richard Peters, who have many copies more of the said book printed, ready for sale, and are continuing to sell the same, and have made considerable sums, and have made, and do make, profit by the sale of such book. This defendant expressly denies that he has at any time caused it to be given out that the intention to publish the said reports had been abandoned.

This defendant further saith, that the Condensed Reports which he has published as aforesaid contain nothing which is the exclusive property of the complainants, or which, being also contained in Wheaton's Reports, is susceptible of being made the subject of literary property. He respectfully submits that the matter contained in the said reports is either publicly recorded among the archives, and composes a part of the documents filed in the offices of the clerks of the Supreme and Circuit Courts of the United States, or has been openly and publicly pronounced and uttered by the judges of the Supreme Court of the United States, after having been by those judges respectively reduced to writing; that the matter published in the Condensed Reports which was previously published in Wheaton's Reports, was not derived from the learning, talents, or industry, of the author or publisher of Wheaton's Reports, or composed by him; that if the justices of the said court furnished to the said Henry Wheaton, the complainant, the writings or memoranda of their decisions as alleged in the complainants' bill, it was so done for the purpose of enabling him to communicate them to the public, and not exclusively for the private advantage or interest of the said Henry Wheaton. The defendant further saith, that much of the literary and professional labor bestowed on the said Condensed Reports, and of the matter contained in the same, is and are in no respect whatever derived from, or aided by the reports of the said Henry Wheaton. References are given in the said Condensed Reports to parallel cases which have been decided in the same court, and to the reported and manuscript decisions upon the same questions in the circuit court of the United States, and each case is preceded by a copious syllabus, itself a digest of the matter it contains. The arguments of counsel are omitted.

The said Condensed Reports contained reports of cases materially abbreviated and altered from the reports of the same cases in Wheaton's Reports, and this defendant submits that the publication thereof is, in no respect whatever, a violation of the rights of the complainants, if they have any exclusive or peculiar rights in, or concerning the said Wheaton's Reports, which this defendant does not admit, and prays that they may be required to substantiate and prove.

And this defendant further saith, that, by an act of the Congress of the United States, passed on the 31st day of May, 1790, "for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned," it is enacted that no person shall be entitled to the benefit thereof, unless he shall deposite a printed copy of the title of his map, chart, or book or books, in the clerk's office of the district court where the author or proprietor shall reside; and that such author or preprietor shall, within two months from the date thereof, cause a copy of the record to be published in one or more of the newspapers printed in the United States, for the space of four weeks; and that the author or proprietor shall, within six months after the publishing thereof, deliver, or cause to be delivered, to the Secretary of State a copy of the same, to be preserved in his office.

Notwithstanding the provisions of the said act of Congress, and of the act of Congress supplementary thereto, of the twenty-ninth of April, 1802, the complainants do not state in their bill that, within two months from the date thereof, a copy of the record of the first volume of Wheaton's Reports was published in one or more of the newspapers printed in the United States for the space of four weeks, nor do the complainants set forth in their said bill that, within six months after the publishing thereof, the author or proprietor of the said book delivered, or caused to be delivered, to the Secretary of State a copy of the same, to be preserved in his office; and this defendant prays that the complainants may be required to give adequate proof of compliance with the requisites of the act of Congress aforesaid, in each of the said particulars. And this defendant further states that he understands, and believes, that Richard Peters has caused to be made diligent inquiry and search at the office of the Secretary of State, and has received proof, under the certificate and seal of the Secretary of State, as full and satisfactory as negative proof can be, and this defendant does himself firmly believe, that no such copy of the first volume of Wheaton's Reports was delivered to the Secretary of State agreeably to the provisions aforesaid, but that the same was altogether omitted to be done. And this defendant further saith that the complainants, in their said bill, have not alleged or set forth that, within six months after publishing the second of the said volumes of Wheaton's Reports, or of any of the rest of the said volumes, the author or proprietor delivered, or caused to be delivered, to the Secretary of State a copy of the same, to be preserved in his office, as, by the provisions of the said act of Congress, is requisite and necessary.

And this defendant further states that he understands, and believes, that Richard Peters has caused to be made diligent inquiry and search at the office of the Secretary of State, and has received proof, under the certificate and seal of the Secretary of State, as full and satisfactory as negative proof can be, and this defendant does himself firmly believe, that no such copy of the second volume, of any of the rest of the volumes of Wheaton's Reports, was delivered to the Secretary of State agreeably to the provisions aforesaid, but that the same was altogether omitted to be done. And this defendant respectfully insists that the complainants are not entitled to the benefit of the said acts of Congress, or either of them, if the copies of the said several volumes of Wheaton's Reports have not been so delivered to the Secretary of State in conformity with the provisions of the said act of one thousand seven hundred and ninety, or if the complainants are, or shall be, unable to prove the said delivery.

And this defendant respectfully submits that, until the complainants shall have made manifest to this honorable court that they have complied with the requisites of the said acts of Congress, and are in all respects entitled to the exclusive ownership and enjoyment of the copy-rights claimed by them, they have no right to call upon the defendants to answer to the several matters propounded to them in the said bill of complaint, or to any of them; and while this defendant proceeds, out of great deference and respect for this honorable court, to reply to the matters specially inquired of, he does so with a protestation; and, reserving all his rights, he prays that this his answer may be received accordingly, and that it may avail as a plea, if, in the opinion of your honors, the complainants have not exhibited such a case as would give them a right to call on the defendants for an answer to the interrogatories proposed.

And this defendant, in precise answer to the said interrogatories, further saith, that the third volume of the said Condensed Reports was published on or about the eighth day of February, one thousand eight hundred and thirty-one.

That fifteen hundred copies thereof were printed, all of which contain the cases that were decided at February term, one thousand eight hundred and sixteen. Fifty copies were presented to William Cranch, esquire. About five hundred and fifty copies have been sold by the respondent, but the precise number cannot be ascertained. The sales were made by this defendant, as agent of Richard Peters, with the exception of a few copies sold by Thomas Desilver and Richard Peters. Seventy copies were subscribed for by the Secretary of State, under the authority of Congress, at five dollars per volume. These have not been paid for. The copies unsold are in the bookstores of Thomas Desilver and this defendant, in the city of Philadelphia, and are under the control of Richard Peters. The sales have been made in the principal cities and towns of the United States.

The retail price has been six dollars per volume. The sales made to booksellers have been made with the usual deductions. This defendant cannot particularly state all the persons to whom sales have been made, or the exact price at which each copy has been disposed of, or estimate the profits of the work; but all the papers and accounts relative to the same are freely offered to the examination and inspection of your honors, or of such auditor or master as may, if it be deemed necessary, be appointed by your honors to inspect and examine the same. The said third volume of Condensed Reports contains six hundred and thirty-five pages, of which four hundred and sixty-one contain the cases reported in the eighth and ninth volumes of Cranch's Reports.

And this defendant doth not know, nor can he, as to his belief or otherwise, save as he is informed thereof by the said bill, set forth whether the circumstances in the said bill charged and stated, and not hereinbefore particularly admitted or denied, are true, or how otherwise, and prays, if necessary to the complainants' case, that they may be required to prove the same. And this defendant denies all and all manner of unlawful combination and confederacy wherewith he is by the said bill charged, without this, that there is any other matter, cause, or thing in the said complainants' said bill of complaint contained, (material or necessary for this defendant to make answer unto, and not herein and hereby well and sufficiently answered, confessed, traversed and avoided, or denied,) is true, to the knowledge or belief of this defendant; all which matters and things this defendant is ready and willing to aver, maintain, and prove, as this honorable court shall direct; and humbly prays to be hence dismissed with his reasonable costs and charges in this behalf most wrongfully sustained.

J. R. INGERSOLL, *for the Df't.*

John Grigg, the abovementioned defendant, being duly sworn according to law, deposeth and saith that the foregoing answer is just and true, to the best of his knowledge, judgment, recollection, and belief.

JOHN GRIGG.

Sworn and subscribed this sixth day of October, 1831.

A. PETIT, *Aldm'n.*

The Plaintiffs' reply generally.

CH. CHAUNCEY *for Complainants.*

March 15, 1832.

To the honorable the Judges of the Circuit Court of the United States for the eastern district of Pennsylvania.

The replication of Henry Wheaton and Robert Donaldson, complainants, to the separate answers of Richard Peters and John Grigg:

These repliants, saving unto themselves all manner of exceptions to the manifold errors and insufficiencies of the said answers, for replication thereto, say that they will prove and aver their said bill to be true, certain, and sufficient in the law to be answered to, and that the said answers are uncertain, untrue, and insufficient to be replied to, without that, that any other matter or thing whatsoever in the said answers or either of them contained, material or effectual in the law to be replied to, confessed and avoided, traversed or denied, is true; all which matters and things these repliants are, and will be ready to aver and prove, as this honorable court shall direct: and humbly pray, as in and by their said bill they have already prayed.

CH. CHAUNCEY,
Solicitor for Complainants.

Record of M. Carey's copy-right, vol. 1, Wheaton's Rep.

And thereupon, the complainants gave in evidence the first volume of Wheaton's Reports, mentioned in the pleadings, (prout volume;) also, the record of the deposite, on the eighteenth day of December, 1816, by Mathew Carey, in the office of the clerk of the district court for the district of Pennsylvania, of the title of the said volume in these words:

No. 848.

District of Pennsylvania, to wit:

Be it remembered, that, on the eighteenth day of December, in the forty-first year of the independence of the United States of America, A. D. 1816, Mathew Carey, of the said district, hath deposited in this office the title of a book, the right whereof he claims as proprietor, in the words following, to wit:

Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1816, by Henry Wheaton, Counsellor at Law. Volume 1.

In conformity to the act of the Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned; and also, to the act entitled "An act supplementary to an act entitled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.' "

D. CALDWELL,
Clerk of the District of Pennsylvania.

And showed that a copy of said record was inserted at full length in the page of said volume immediately following the title.

Also, assignment by said Carey and others, to complainant Donaldson, in these words:

Know all men by these presents, that we, Mathew Carey and Sons, of Philadelphia, booksellers trading in company under the firm of M. Carey & Sons, for and in consideration of the sum of five hundred dollars to us in hand paid in Wheaton's Reports and Digest, by Robert Donaldson, of the city of New York, bookseller, have transferred, assigned, and set over, and do hereby transfer, assign, and set over to the said Robert Donaldson, all our right, title, and interest in and to the copy-right of the first volume of Reports of the Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1816, by Henry Wheaton, Counsellor at Law, heretofore transferred to said Mathew Carey by said Wheaton.

In witness whereof, we have hereunto set our hands and seals, this eleventh day of September, one thousand eight hundred and twenty-one.

MATHEW CAREY. [SEAL.]
HENRY C. CAREY. [SEAL.]
ISAAC LEA. [SEAL.]

Sealed and delivered in the presence of
WM. WARD.

Evidence of H. C. Carey.

Also, the evidence of Henry C. Carey, a witness examined on behalf of complainants, whose deposition is as follows: In 1816, my father, Matthew Carey, did business alone; in 1821 I was a partner. In 1816 I did business for him as a clerk. I was, at those times, conversant with his transactions as to copy-right. My father purchased the first volume of the first edition of Wheaton's Reports. I attended, in 1816, to all business connected with publication, including copy-rights. It was left altogether to me. As to this first volume, a certificate was taken out as you have seen. We were in the constant habit of advertising copy-rights, but not of keeping copies of the advertisement, nor any record of them, until within ten years. From the course of the business, I don't doubt that it was advertised, but have no recollection of it. The next step towards procuring a copy-right was, to deposite a copy in the office at Washington: we were always accustomed to do it, but never deemed it necessary to have a certificate from Washington, because we had never seen one. We always supposed, and I believe the trade also, that a record was kept in the office of the deposite of books, and that this record would always be furnished when necessary. The earliest certificate we have from the Department of State is dated in 1820; we have but two prior to 1825; but I don't doubt that a copy was deposited in the office, although we have no evidence of it. Until Mr. Clay came into the Department of State, there was no order in the office as to sending certificates, nor attention given to it. Even since that time, we have been obliged to write 4, 5, and six times before we could get it. I imagine there is no possibility now of getting certificates of copy-right prior to 1825. They cannot be obtained except from the Department of State, and I don't believe they have any record of the deposites. Our house has been more largely concerned in publishing than any other in the United States. Mr. Wheaton is the author, but Mr. Donaldson, from the publication, with the exception of the first four years of the first volume, when we had it, has been in possession and enjoyment of the copy-right of all the volumes of the work called Wheaton's Reports. It is a work of great value.

Being cross-examined, says: I have no recollection at all of a deposite of a copy of this work in the office of the Secretary of State. Nine-tenths of

the books we have ever deposited have been put in the post office, and addressed to the Department of State. Whether this was the course in 1816, is more than I can pretend to recollect. The volume was put in the post office, but no letter accompanied it: I mean that Mr. Donaldson has had the printing of the work for so many years, and that possession has been undisturbed by any one until recently. I know that we transferred the work to Mr. Donaldson, and that he has been the exclusive publisher until recently. For a number of years past, all copies have gone by the post office, but can't recollect whether it extended so far back as this; don't know how those went that did not go by the post office. I cannot positively say with regard to all the publications made by us; they were sent to the Department of State. I don't mean to assert that there is no record kept in the Department of State of the copies deposited, but I believe so. I have no knowledge whether there was or was not a record kept, except that I was told of some difficulty in getting one, and therefore supposed that there was none: have never been to the department to inquire whether there was one or not; have had no occasion to know or make the inquiry for myself; don't know who told me of the difficulty mentioned. The number of the first volume printed was 1000, and we sold about 200 copies that remained to Mr. Donaldson; we had sold all the rest.

Being again examined in chief, says: There have always been sufficient of the succeeding volumes to supply the public demand, as I have always understood. Our intention was always to send all works to the Department of State, whose titles were duly recorded in the clerk's office; but I won't pretend to say it was always done. Our custom was to send them, and I don't doubt that this was sent. I recollect Mr. Wheaton was here a day or two before the first volume was published, and there were some copies sent to Washington by him. Whether the copy for the department was sent by him or not, I cannot say, but it is the most probable way in which it was sent.

2d ed. 1st vol. Also the second edition of the said first volume of Wheaton's Reports, (prout volume.)

Also the record of the deposite on the 14th day of May, A. D. 1830, by

Record of copy-right of do. complainant Wheaton, of the title of the first volume of Wheaton's Reports, in the office of the clerk of the district court of the United States for the southern district of New York, in these words:

SOUTHERN DISTRICT OF NEW YORK, *ss.*

Be it remembered, that on the 14th day of May, A. D. 1830, in the 54th year of the independence of the United States of America, Henry Wheaton, *hath* of the said district, hath deposited in this office the title of a book, the right whereof he claims as author, in the words following, to wit:

Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1816, by Henry Wheaton, Counsellor at Law. Vol. 1.

In conformity to the act of Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the time therein mentioned;" and, also, to an act entitled "An act supplementary to an act entitled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.' "

FRED. J. BETTS,
Clerk of the Southern District of New York.

Also, the record of another such deposite thereof, on the 14th day of June, A. D. 1830, in these words: Record of copyright of 2d ed. 1st vol.

SOUTHERN DISTRICT OF NEW YORK, *ss.*

Be it remembered that, on the 14th day of June, A. D. 1830, in the 54th year of the independence of the United States of America, Henry Wheaton, of the said district, has deposited in this office the title of a book, the right whereof he claims as author in the words following, to wit:

Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1816. By Henry Wheaton, Counsellor at Law. Vol. 1.

In conformity to the act of Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the time therein mentioned;" and, also, to an act entitled "An act supplementary to an act entitled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.'"

FRED. J. BETTS,
Clerk of the Southern District of New York.

Also, a certificate of the 8th day of October, A. D. 1830, from the Department of State, in these words: Certif. from the Department of State, No. 1,044.

No. 1,044.

To all to whom these presents shall come, greeting:

I certify that Henry Wheaton has this eighth day of October, in the year of our Lord one thousand eight hundred and thirty, and of independence the fifty-fifth, deposited in the office of the Department of State a certain book consisting of five hundred and forty-six pages, entitled Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1816. By Henry Wheaton, Counsellor at Law. Vol. 1, second edition; revised and improved by the reporter.

The copy-right whereof is claimed by Henry Wheaton, as proprietor, under the provisions of "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned," passed on the 31st day of May, A. D. 1790; and of "An act supplementary to an act entitled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the time therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints,'" passed on the 29th of April, A. D. 1802.

Given under my hand, as the Secretary of the Department of State of the United States, with the seal of the said department affixed, at the city of Washington, the day and year first above written.

[L. S.] M. VAN BUREN.

Also, certain statutes of the Congress of the United States of America concerning the reports of the decisions of the Supreme Court of the United States, which statutes are as follows: Acts of Congress concerning the repts. decisions Sup. C'rt U. S.

An act to provide for Reports of the Decisions of the Supreme Court.

§ 1. *Be it enacted, &c.*, That the reporter who shall, from time to time, be appointed by the Supreme Court of the United States to report its decisions, shall be entitled to receive from the Treasury of the United States, as an annual compensation for his services, the sum of one thousand dollars: *Provided, nevertheless,* The said compensation shall not be paid unless the said reporter shall print and publish, or cause to be printed and published, the decisions of said court, made during the time he shall act as such reporter, within six months after such decisions shall be made, and shall deliver eighty copies of the decisions so printed and published, to the Secretary of State, without any expense to the United States; and which copies shall be distributed as follows, to wit: To the President of the United States, the Judges of the Supreme Court, and the Judges of the District Courts, the Attorney General of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Comptroller of the Treasury, the Postmaster General, the Commissioner of the Revenue, the Commissioner of the General Land Office, the Judges of the several Territories of the United States, the Secretary of the Senate, the Clerk of the House of Representatives, the Auditor of the Treasury, the Register of the Treasury, the Treasurer of the United States, the Paymaster General, the Accountants of the War and Navy Departments, and to the Commissioners of the Navy, one copy each; and the residue of said copies shall be deposited in, and become part of the Library of Congress.

Act of March 3, 1817.

§ 2. That, in case of the death, resignation, or dismission from office of either of the officers before mentioned, the said copies of the decisions, delivered to them as aforesaid, shall belong to, and be delivered up to their respective successors in the said offices.

§ 3. That this act shall be, and continue in force for three years, and no longer.

Approved, March 3, 1817.

An act to continue in force the act entitled "An act to provide for Reports of the Decisions of the Supreme Court," approved the third of March, one thousand eight hundred and seventeen.

§ 1. *Be it enacted, &c.* That the act entitled "An act to provide for reports of decisions of the Supreme Court," approved the third day of March, one thousand eight hundred and seventeen, be, and the same is hereby, continued in force for three years, and no longer.

Act of May 15, 1820.

Approved, May 15, 1820.

An act to continue in force the act entitled "An act to provide for Reports of the Decisions of the Supreme Court," passed the third day of March, one thousand eight hundred and seventeen.

§ 1. *Be it enacted, &c.*, That the reporter who shall, from time to time, be appointed by the Supreme Court of the United States to report its decisions, shall be entitled to receive, from the Treasury of the United States, as an annual compensation for his services, the sum of one thousand dollars: *Provided, nevertheless,* The

Act of March 3, 1823.

said compensation shall not be paid unless the said reporter shall print and publish, or cause to be printed and published, the decisions of said court, made during the time he shall act as such reporter, within nine months after such decisions shall be made; and shall deliver eighty copies of the decisions, so printed and published, to the Secretary of State, without any expense to the United States; which copies shall be distributed as follows, to wit: To the President of the United States, the Judges of the Supreme Court, the Judges of the District Courts, the Attorney General of the United States, the Secretaries of State, Treasury, War, and Navy, the Comptrollers of the Treasury, and the Judges of the several Territories of the United States, one copy each; five copies for the use of each House of Congress, and the residue of the copies shall be deposited in the Library of Congress.

§ 2. That, in case of the death, resignation, or dismission from office, of either of the officers before mentioned, the said copies of the decisions, delivered to them as aforesaid, shall belong to, and be delivered over to, their successors in said offices.

§ 3. That this act shall be, and continue in force for three years, and no longer.

Approved, March 3, 1823.

An act to provide for Reports of the Decisions of the Supreme Court.

§ 1. *Be it enacted, &c.*, That a reporter shall, from time to time, be appointed by the Supreme Court of the United States to report its decisions, who shall be entitled to receive from the Treasury of the United States, as an annual compensation for his services, the sum of one thousand dollars: *Provided, nevertheless*, That the said compensation shall not be paid, unless said reporter shall print and publish, or cause to be printed and published, the decisions of the said court, made during the time he shall act as such reporter, within six months after such decisions shall be made; and shall deliver eighty copies of the decisions, so printed and published, to the Secretary of State, without any expense to the United States; which copies shall be distributed as follows, to wit: To the President of the United States, the Judges of the Supreme Court, the Judges of the District Courts, the Attorney General of the United States, the Secretaries of State, Treasury, War, and Navy, the Comptrollers of the Treasury, and the Judges of the several Territories of the United States, one copy each; five copies for the use of each House of Congress, and the residue of the copies shall be deposited in the Library of Congress: *And provided, also*, That the said decisions shall be sold to the public at large at a price not exceeding five dollars a volume.

Act of 22d Feb. 1827.

§ 2. That, in case of the death, resignation, or dismission from office, of either of the officers before mentioned, the said copies of the decisions delivered to them as aforesaid, shall belong, and be delivered over to their successors in said offices.

§ 3. That this act shall be, and continue in force for three years, and no longer.

Approved, February 22, 1827.

Also, the second volume of said Wheaton's Reports, (prout volume.)

2d vol. Wheaton's Reports.

Also, the record of the deposite on the 1st day of September, A. D. 1817, of the title thereof in the Clerk's office of the district court of the United States for the southern district of New York, in these words:

Record of deposite of title of do.

SOUTHERN DISTRICT OF NEW YORK, *ss.*

Be it remembered, That on the first day of September, in the forty-second year of the independence of the United States of America, Henry Wheaton, of the said district, hath deposited in this office the title of a book, the right whereof he claims as in the words and figures following, to wit:

Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1817. By Henry Wheaton, Counsellor at Law. Vol. 2d.

In conformity to the act of Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the time therein mentioned;" and also to an act, entitled "An act supplementary to an act entitled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.'"

And showed that a copy of said record was inserted at full length in the page of said volume immediately following the title.

Agm't, Wheaton with Van Winkle & Wiley, 2d vol.

Also, an agreement of the 28th day of April, A. D. 1817, between complainant, Wheaton, and Van Winkle and Wiley, of New York, in these words:

Memorandum of an agreement between C. S. Van Winkle and Charles Wiley, of the city, county, and State of New York, booksellers, of the one part, and Henry Wheaton, of the same city, county, and State, counsellor at law, of the other part. It is hereby agreed that the said Wheaton doth sell to the said Van Winkle and Wiley the right and privilege of publishing an edition of one thousand copies of the said Wheaton's second volume of Reports of Decisions in the Supreme Court of the United States, being decisions of February term, one thousand eight hundred and seventeen. And the said Wheaton doth hereby agree that he will not publish, or cause or suffer to be published, another edition of the said volume, until the whole of the said first edition shall be exhausted and sold by the said Van Winkle and Wiley; provided the said work shall be always publicly for sale at the price which shall be first set on the same, with the usual discount at wholesale. And the said Wheaton further agrees to give to the said Van Winkle and Wiley the refusal of the right to publish another edition of the said work at the same price, and on the same terms, which may be offered by any other person or persons. And the said Van Winkle and Wiley agree to pay said Wheaton, for the right and privilege of publishing said first edition, the sum of five hundred dollars, on demand, in law books, at the wholesale price, according to a catalogue to be furnished by said Wheaton. And the said Van Winkle and Wiley further agree to print and publish the said work on or before the first day of September next, and to deliver eighty copies of the same at the office of the Secretary of State at Washington, on or before the same day, for the use of the United States, and without any expense to the said Wheaton or to the United States.

C. S. VAN WINKLE.
CHARLES WILEY.
HENRY WHEATON.

NEW YORK, 28*th April*, 1817.

An an agreement of the day next following, between the said Van Winkle and Wiley, and complainant, Donaldson, in these words— Agreem't, Van Winkle & Wiley with Donaldson, vol. 2.

Be it known, that we, Cornelius S. Van Winkle and Charles Wiley, of the city of New York, printers and booksellers, for and in consideration of the sum of five hundred dollars in hand well and truly paid to us by Robert Donaldson, of the said city, paper manufacturer, do hereby, and by these presents make over and sell unto the said Robert Donaldson, all our right, title, and interest in and to a certain work called "Wheaton's second volume of Reports of Decisions of the Supreme Court of the United States," as contained in the annexed memorandum. And it is hereby fully and entirely understood by the said parties, that this agreement shall be considered valid from the day of the signing of these presents, the same as if the provisions were inserted word for word. New York, April twenty-ninth, one thousand eight hundred and seventeen.

C. S. VAN WINKLE.
CHARLES WILEY.

Witness: HENRY LORING.

Also, an agreement of the 23d day of June, A. D. 1827, between complainant Wheaton, and complainant Donaldson, in these words:

Memorandum of an agreement between Robert Donaldson, of the city, county, and State of New York, and Henry Wheaton, of the same city, county, and State. It is hereby agreed that the said Wheaton doth sell to the said Donaldson the right and privilege of publishing a second edition of two hundred and fifty copies of said Wheaton's second volume of Reports of the Decisions of the Supreme Court of the United States, being the decisions of February term, one thousand eight hundred and seventeen. And the said Wheaton agrees that he will not publish, or cause or suffer to be published, another edition of the said volume, until the whole of the said second edition is exhausted and sold by the said Donaldson; provided the said work shall be always publicly for sale at the price which shall be first set on the same, with the usual discount at wholesale. And the said Wheaton further agrees to give to the said Donaldson the refusal of the right to publish another edition of the said second volume at the same price, and on the same terms, which may be offered by any other person or persons. And the said Donaldson agrees to pay to the said Wheaton, for the right and privilege of publishing said second edition of said second volume, the sum of two hundred and fifty dollars, the receipt whereof is hereby acknowledged by the said Wheaton. Agreement: Wheaton with Donaldson.

ROBERT DONALDSON.
HENRY WHEATON.

NEW YORK, *June* 23, 1827.

Also, the third volume of said Wheaton's Reports, (prout volume.) 3d v. Wheaton's Reports.

Also, the record of the deposite, on the 19th day of August, A. D. 1818, of the title thereof in the clerk's office of the district court of the United States for the southern district of New York, in these words: Record of deposite of title of do.

SOUTHERN DISTRICT OF NEW YORK, *ss.*

Be it remembered that, on the 19th day of August, in the forty-third year of the independence of the United States of America, Henry Wheaton, of the said district, hath deposited in this office the title of a book, the right whereof he claims as author and proprietor, in the words and figures following, to wit:

"Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1818. By Henry Wheaton, Counsellor at Law. Volume III."

In conformity to the act of the Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the time therein mentioned;" and, also, to an act entitled an "Act supplementary to an act entitled an act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the time therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

JAMES DILL,
Clerk of the Southern District of New York.

And showed that a copy of said record was inserted, at full length, in the page of said volume immediately following the title.

Agreement, Donaldson with Wheaton, 3d vol.

Also an agreement of the 22d day of April, 1818, between complainants Donaldson and Wheaton, in these words:

Memorandum of an agreement between Robert Donaldson, of the city, county, and State of New York, and Henry Wheaton of the same city, county, and State. It is hereby agreed that the said Wheaton doth sell to the said Donaldson the right and privilege of publishing an edition of one thousand copies of said Wheaton's third volume of Reports of Decisions in the Supreme Court of the United States, being the decisions of February term, one thousand eight hundred and eighteen, and said Wheaton agrees that he will not publish, or cause or suffer to be published, another edition of the said third volume, until the whole of the said first edition thereof shall be exhausted and sold by the said Donaldson; provided the said work shall be always publicly for sale at the price which shall be first set on the same, with the usual discount at wholesale. And the said Wheaton further agrees to give to said Donaldson the refusal of the right to publish another edition of the said volume at the same price, and on the same terms, which may be offered by any other person or persons. And the said Donaldson agrees to pay said Wheaton, for the right and privilege of publishing the said first edition, the sum of five hundred dollars on the first day of August now next. And the said Donaldson further agrees to print and publish the said work on or before the first day of September next, and to deliver eighty copies of the same at the office of the Secretary of State at Washington, for the use of the United States, on or before the said first day of September, and without any expense to the said Wheaton or to the United States.

ROB'T DONALDSON.
H. WHEATON.

NEW YORK, *22d April*, 1818.

Also the fourth volume of said Wheaton's Reports, (prout volume.) 4th vol.

Also the record of the deposite, on the 26th day of August, A. D. 1819, of the title thereof in the clerk's office of the district court of United States for the southern district of New York, in these words: Record of deposite of title of do.

SOUTHERN DISTRICT OF NEW YORK, *ss.*

Be it remembered that, on the 26th day of August, in the 44th year of the independence of the United States of America, Henry Wheaton, of the said district, hath deposited in this office the title of a book, the right whereof he claims as author and proprietor, in the words and figures following, to wit:

Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1819. By Henry Wheaton, Counsellor at Law, Volume IV.

In conformity to the act of the Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned;" and, also, to an act entitled an "act suplementary to an act entitled an act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned, and extending the benefits thereof to the arts of designing, engraving and etching historical and other prints."

GILBERT LIVINGSTON THOMPSON.

And showed that a copy of said record was inserted, at full length, in the page of said volume immediately following the title.

Also an agreement of the 22d day of April, 1819, between complainants Wheaton and Donaldson, in these words: Agreement, Wheaton with Donaldson, 4th vol.

Memorandum of an agreement between Robert Donaldson, of the city, county, and State of New York, and Henry Wheaton, of the same city, county, and State. It is hereby agreed that the said Wheaton doth sell to the said Donaldson the right and privilege of publishing an edition of eleven hundred copies of said Wheaton's fourth volume of Reports of Decisions in the Supreme Court of the United States, being the decisions of February term, one thousand eight hundred and nineteen. And the said Wheaton agrees that he will not publish, or cause or suffer to be published, another edition of the said fourth volume, until the whole of the said first edition thereof shall be exhausted and sold by the said Donaldson; provided the said work shall be always publicly for sale at the price which shall be first set on the same, with the usual discount at wholesale. And the said Wheaton further agrees to give to said Donaldson the refusal of the right to publish another edition of the said volume at the same price, and on the same terms, which may be offered by any other person or persons. And the said Donaldson agrees to pay said Wheaton, for the right and privilege of publishing said first edition, the sum of eight hundred dollars, payable five hundred dollars on the first day of May now next, one hundred and fifty dollars on the first day of August, and one hundred and fifty dollars on the first day of November following. And the said Donaldson further agrees to print and publish the said work on or before the first day

of September now next, and to deliver eighty copies of the same at the office of the Secretary of State at Washington, for the use of the United States, on or before the tenth day of the said month of September, without any expense to the said Wheaton or the United States.

HENRY WHEATON,
ROBT. DONALDSON.

NEW YORK, *April* 22, 1819.

It is agreed that said Donaldson may publish 1250 copies.

5th volume. Also the fifth volume of said Wheaton's Reports, (prout volume.)

Record of deposite of title of do. Also the record of the deposite, on the 11th day of July, A. D. 1820, of the title thereof in the clerk's office of the district court of the United States for the southern district of New York, in these words:

SOUTHERN DISTRICT OF NEW YORK, *ss.*

Be it remembered that, on the 11th day of July, in the 45th year of the independence of the United States of America, Henry Wheaton, of the said district, hath deposited in this office the title of a book, the right whereof he claims as author and proprietor, in the words and figures following, to wit:

Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1820. By Henry Wheaton, Counsellor at Law. Volume 5.

In conformity to the act of Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned;" and, also, to an act entitled an "act supplementary to an act entitled an act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

G. L. THOMPSON.

And showed that a copy of said record was inserted, at full length, in the page of said volume immediately following the title.

Agreement, Wheaton with Donaldson, 5th vol. Also an agreement of the 11th day of July, A. D. 1820, between complainants, Wheaton and Donaldson, in these words:

Memorandum of an agreement between Robert Donaldson, of the city, county, and State of New York, and Henry Wheaton, of the same city, county, and State. It is hereby agreed that the said Wheaton doth sell to the said Donaldson the right and privilege of publishing an edition of twelve hundred copies of said Wheaton's fifth volume of Reports of Decisions in the Supreme Court of the United States, being the decisions of February term, one thousand eight hundred and twenty. And the said Wheaton agrees that he will not publish, or cause or suffer to be published, another edition of the said fifth volume, until the whole of the said first edition thereof shall be exhausted and sold by the said Donaldson; provided the said work shall be always publicly for sale at the price which shall be first

set on the same, with the usual discount at wholesale. And the said Wheaton further agrees to give to said Donaldson the refusal of the right to publish another edition of the said volume, at the same price and on the same terms which may be offered by any other person or persons. And the said Donaldson agrees to pay said Wheaton for the right and privilege of publishing said first edition the sum of six hundred and fifty dollars, payable on demand. And the said Donaldson further agrees to print and publish the said work on or before the fifteenth day of July instant, and to deliver eighty copies of the same at the office of the Secretary of State at Washington, for the use of the United States, on or before the fifteenth day of August now next, without any expense to the said Wheaton or to the United States.

H. WHEATON.
ROBT. DONALDSON.

NEW YORK, *July* 11, 1820.

The said Donaldson to be at liberty to print 1250 copies.

Also the sixth volume of said Wheaton's Reports, (prout volume.) 6th volume.

Also the record of the deposite, on the 16th day of July, A. D. 1821, of the title thereof in the clerk's office of the district court of the United States for the southern district of New York, in these words: Record of deposite of title.

SOUTHERN DISTRICT OF NEW YORK, *ss.*

Be it remembered, that on the 16th day of July, in the 46th year of the independence of the United States of America, Henry Wheaton, of the said district, hath deposited in this office the title of a book, the right whereof he claims as author, in the words and figures following, to wit:

"Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1821. By Henry Wheaton, Counsellor at Law. Volume VI."

In conformity to the act of the Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned;" and, also, to an act entitled "An act supplementary to an act entitled an act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching, historical and other prints."

G. L. THOMPSON,
Clerk of the Southern District of New York.

And showed that a copy of said record was inserted, at full length, in the page of said volume immediately following the title.

Also, the 7th volume of said Wheaton's Reports, (prout volume.) 7th Vol.

Also, the record of the deposite, on the 20th day of July, A. D. 1822, of the title thereof, in the clerk's office of the district court of the United States for the southern district of New York, in these words: Record of deposite of title.

SOUTHERN DISTRICT OF NEW YORK, *ss.*

Be it remembered, that, on the 20th day of July, in the 47th year of the

independence of the United States of America, Henry Wheaton, of the said district, hath deposited in this office the title of a book, the right whereof he claims as in the words following, to wit:

Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1822. By Henry Wheaton, Counsellor at Law. Volume VII.

In conformity to the act of the Congress, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned;" and, also, to an act entitled "An act supplementary to an act entitled an act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

JAMES DILL,
Clerk of the Southern District of New York.

And showed that a copy of said record was inserted, at full length, in the page immediately following the title.

6th and 7th vols Agreement Wheaton with Donaldson.

Also an agreement of the 12th day of August, A. D. 1822, between complainants Wheaton and Donaldson, in these words:

Memorandum of an agreement between Robert Donaldson, of the city, county, and State of New York, and Henry Wheaton, of the same city, county, and State. It is hereby agreed that the said Wheaton doth sell to the said Donelson the right and privilege of publishing a first edition of twelve hundred and fifty copies of each of said Wheaton's sixth and seventh volumes of Reports of the Decisions in the Supreme Court of the United States, being the decisions of February term, one thousand eight hundred and twenty one, and of February, one thousand eight hundred and twenty-two, both of which are already published by the said Donaldson. And the said Wheaton agrees that he will not publish, or cause, or suffer, to be published another edition of the said sixth and seventh volumes, until the whole of said first editions of said volumes shall be exhausted and sold by the said Donaldson; provided, The said work shall be always publicly for sale at the price which shall be first set on the same, with the usual discount at wholesale. And the said Wheaton further agrees to give to said Donaldson the refusal of the right to publish another edition of the said sixth and seventh volumes at the same price, and on the same terms, which may be offered by any other person or persons. And the said Donaldson agrees to pay said Wheaton, for the right and privilege of publishing said first edition of said sixth and seventh volumes, the sum of fourteen hundred dollars, the receipt whereof the said Wheaton hereby acknowledges. And the said Donaldson having already delivered eighty copies of the said sixth volume at the office of the Secretary of State, at Washington, for the use of the United States, hereby agrees to deliver eighty copies of the said seventh volume at the said office for the use of the said United States, on or before the fifteenth day of September now next, without any expense to the said United States, or to the said Wheaton.

H. WHEATON.
ROBERT DONALDSON.

NEW YORK, *August 12th*, 1822.

Also the eighth volume of said Wheaton's Reports, (prout volume.) 8th vol.

Also the record of the deposite, on the 22d of October, A. D. 1823, of the title thereof, in the clerk's office of the district court of the United States for the southern district of New York, in these words: Record of dep. of title.

SOUTHERN DISTRICT OF NEW YORK, *ss.*

Be it remembered, that, on the 22d day of October, in the 48th year of the independence of the United States of America, Henry Wheaton, of the said district, hath deposited in this office the title of a book, the right whereof he claims as author, in the words following, to wit:

"Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1823. By Henry Wheaton, Counsellor at Law. Volume VIII."

In conformity to the act of the Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned;" and, also, to an act entitled "An act supplementary to an act entitled an act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

JAMES DILL,
Clerk of the Southern District of New York.

And showed that a copy of said record was inserted, at full length, in the page of said volume immediately following the title.

Also, an agreement of the 13th day of December, A. D. 1823, between complainants Wheaton and Donaldson, in these words: 8th vol. Agreement Wheaton with Donaldson.

Memorandum of an agreement between Robert Donaldson, of the city, county, and State of New York, and Henry Wheaton, of the same city, county, and State. It is hereby agreed that the said Wheaton doth sell to the said Donaldson the right and privilege of publishing a first edition of twelve hundred and fifty copies of said Wheaton's eighth volume of Reports of the Decisions of the Supreme Court of the United States, being the decisions of February term, one thousand eight hundred and twenty-three, which has already been published by the said Donaldson. And the said Wheaton agrees that he will not publish, or cause or suffer to be published, another edition of the said volume until the whole of the said first edition shall be exhausted and sold by the said Donaldson; provided the said work shall be always publicly for sale at the price which shall be first set on the same, with the usual discount at wholesale. And the said Wheaton further agrees to give to the said Donaldson the refusal of the right to publish another edition of the said eighth volume at the same price, and on the same terms, as may be offered by any other person or persons. And the said Donaldson agrees to pay the said Wheaton for the right and privilege of publishing said first edition of said eighth volume, the sum of seven hundred dollars, the receipt whereof is hereby acknowledged by the said Wheaton. And the said Donaldson hereby agrees to deliver eighty copies of the said eighth volume at the office of the Secretary of State at Washington, for the

use of the Government of the United States, without any expense to the said Wheaton, or the said Government.

ROB'T DONALDSON.
HENRY WHEATON.

NEW YORK, *Dec.* 13, 1823.

9th vol. Also the ninth volume of said Wheaton's Reports, (prout volume.)

Record of deposite of title. Also the record of the deposite, on the 21stday of September, A. D 1824, of the title thereof, in the clerk's office of the district court of the United States for the southern district of New York, in these words:

SOUTHERN DISTRICT OF NEW YORK, *ss.*

Be it remembered, that, on the 21st day of September, in the 49th year of the independence of the United States of America, Henry Wheaton, of the said district, hath deposited in this office the title of a book, the right whereof he claims as author, in the words following, to wit:

"Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1824. By Henry Wheaton, Counsellor at Law. Volume IX."

In conformity to the act of the Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the time therein mentioned;" and, also, to an act entitled "An act supplementary to an act entitled an act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching, historical and other prints."

JAMES DILL,
Clerk of the Southern District of New York.

And showed that a copy of said record was inserted at full length in the page immediately following the title.

9th vol. Agreement, Wheaton with Donaldson. Also an agreement of the 16th day of December, A. D. 1824, between complainants Wheaton and Donaldson, in these words:

Memorandum of an agreement between Robert Donaldson, of the city, county, and State of New York, and Henry Wheaton, of the same city, county, and State. It is hereby agreed that the said Wheaton doth sell to the said Donaldson the right and privilege of publishing a first edition of twelve hundred and fifty copies of said Wheaton's ninth volume of Reports of the Decisions of the Supreme Court of the United States, being the decisions of February term, one thousand eight hundred and twenty four, which has already been published by the said Donaldson. And the said Wheaton agrees that he will not publish, or cause or suffer to be published, another edition of the said volume, until the whole of the said first edition is exhausted and sold by the said Donaldson; provided the said works shall be always publicly for sale at the price which shall be first set on the same, with the usual discount at wholesale. And the said Wheaton further agrees to give to the said Donaldson the refusal of the right to publish another edition of the said ninth volume at the same price, and on the same terms, which may

be offered by any other person or persons. And the said Donaldson agrees to pay the said Wheaton for the right and privilege of publishing said first edition of said ninth volume, the sum of eight hundred dollars, the receipt whereof is hereby acknowledged by the said Wheaton. And the said Donaldson hereby agrees to deliver eighty copies of the said ninth volume at the office of the Secretary of State, at Washington, for the use of the Government of the United States, without any expense to the said Wheaton or to the United States.

HENRY WHEATON.
ROBERT DONALDSON.

NEW YORK, *Dec.* 16, 1824.

Also the tenth volume of said Wheaton's Reports, (prout volume.) 10th vol.

Also the record of the deposite, on the 21st day of June, A. D. 1825, of the title thereof, in the clerk's office of the district court of the United States for the southern district of New York, in these words: Record of deposite of title.

SOUTHERN DISTRICT OF NEW YORK, ss.

Be it remembered, that, on the 21st day day of June, A. D. 1825, and in the 49th year of the independence of the United States of America, Henry Wheaton, of the said district, hath deposited in this office the title of a book, the right whereof he claims as author, in the words following, to wit:

Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1825. By Henry Wheaton, Counsellor at Law. Volume X.

In conformity to the act of Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the time therein mentioned;" and, also, to an act entitled an "act supplementary to an act entitled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving and etching historical and other prints.'"

JAMES DILL,
Clerk of the Southern District of New York.

And showed that a copy of said record was inserted, at full length, in the page immediately following the title.

Also an agreement of the 29th day of June, A. D. 1825, between complainants Wheaton and Donaldson, in these words: 10th vol. Agreement, Wheaton with Donaldson.

Memorandum of an agreement between Robert Donaldson, of the city, county, and State of New York, and Henry Wheaton, of the same city, county, and State. It is hereby agreed that the said Wheaton doth sell to the said Donaldson the right and privilege of publishing a first edition of twelve hundred and fifty copies of said Wheaton's tenth volume of Reports of the Decisions of the Supreme Court of the United States, being the decisions of February term, one thousand eight hundred and twenty-five, which has already been published by the said Donaldson. And the said Wheaton agrees that he will not publish, or cause or suffer to be published, another edition of the said volume until the whole of the said first edition is exhausted and sold by the said Donaldson; provided the said work shall be

always publicly for sale at the price which shall be first set on the same, with the usual discount at wholesale. And the said Wheaton further agrees to give to the said Donaldson the refusal of the right to publish another edition of the said tenth volume at the same price, and on the same terms, which may be offered by any other person or persons. And the said Donaldson agrees to pay the said Wheaton for the right and privilege of publishing said first edition of said tenth volume, the sum of seven hundred dollars, the receipt whereof is hereby acknowledged by the said Wheaton. And the said Donaldson hereby agrees to deliver eighty copies of the said tenth volume at the office of the Secretary of State at Washington, for the use of the Government of the United States, without any expense to the said Wheaton or to the United States.

ROBERT DONALDSON.
HENRY WHEATON.

NEW YORK, *June* 29, 1825.

11th vol. Also the 11th volume of said Wheaton's Reports, (prout volume.)

Record of deposite of title. Also the record of the deposite, on the 20th day of July, A. D. 1826, of the title thereof in the clerk's office of the district court of the United States for the southern district of New York, in these words:

SOUTHERN DISTRICT OF NEW YORK, ss.

Be it remembered, that, on the 20th day of July, A. D. 1826, in the 51st year of the independence of the United States of America, Henry Wheaton, of the said district, hath deposited in this office the title of a book, the right whereof he claims as author, in the words following, to wit:

"Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1826. By Henry Wheaton, Counsellor at Law. Volume XI."

In conformity to the act of Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the time therein mentioned;" and, also, to an act entitled an "act supplementary to an act entitled an act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefit thereof to the arts of designing, engraving, and etching, historical and other prints."

JAMES DILL,
Clerk of the Southern District of New York.

And showed that a copy of said record was inserted, at full length, in the page immediately following the title.

11th vol. Agreement, Wheaton with Donaldson. Also an agreement of the 9th day of December, 1826, between complainants Wheaton and Donaldson, in these words:

Memorandum of an agreement between Robert Donaldson, of the city, county, and State of New York, and Henry Wheaton, of the same city, county, and State. It is hereby agreed that the said Wheaton doth sell to the said Donaldson the right and privilege of publishing a first edition of twelve hundred and fifty copies of said Wheaton's elventh volume of Reports of the Decisions of the Supreme Court of the United States, being the decisions of February term, one thousand eight hundred and twenty-six, which edition has already been published by the said Donaldson.

And the said Wheaton agrees that he will not publish, or cause or suffer to be published, another edition of the said volume, until the whole of the said first edition is exhausted and sold by the said Donaldson; provided the said work shall be always publicly for sale at the price which shall be first set on the same, with the usual discount at wholesale. And the said Wheaton further agrees to give to the said Donaldson the refusal of the right to publish another edition of the said eleventh volume at the same price, and on the same terms, which may be offered by any other person or persons. And the said Donaldson agrees to pay the said Wheaton, for the right and privilege of publishing said first edition of said eleventh volume, the sum of five hundred dollars, the receipt whereof is hereby acknowledged by the said Wheaton. And the said Donaldson hereby agrees to deliver eighty copies of the said eleventh volume at the office of the Secretary of State at Washington, for the use of the Government of the United States, without any expense to the said Wheaton or to the United States.

HENRY WHEATON,
ROBERT DONALDSON.

NEW YORK, *Dec.* 9, 1826.

Also the twelfth volume of said Wheaton's Reports (prout volume.) 12th volume.

Also the record of the deposite, on the 25th day of June, A. D. 1827, of the title thereof in the clerk's office of the District Court of the United States for the southern district of New York, in these words: Record of dep. of title.

SOUTHERN DISTRICT OF NEW YORK, *ss.*

Be it remembered that, on the 25th day of June, A. D. 1827, and in the 51st year of the independence of the United States of America, Henry Wheaton, of the said district, hath deposited in this office the title of a book, the right whereof he claims as author, in the words following, to wit:

"Reports of Cases Argued and Adjudged in the Supreme Court of the United States, January term, 1827. By Henry Wheaton, Counsellor at Law. Volume 12."

In conformity to the act of Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned;" and, also, to an act entitled "An act supplementary to an act entitled an act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

FRED. J. BETTS,
Clerk of the Southern Dist. of New York.

And showed that a copy of said record was inserted, at full length, in the page immediately following the title.

Also an agreement of the 29th day of May, A. D. 1827, between complainants Wheaton and Donaldson, in these words: 12th vol. Agreement, Wheaton with Donaldson.

Memorandum of an agreement between Robert Donaldson, of the city,

county, and State of New York, and Henry Wheaton, of the same city, county, and State. It is hereby agreed that the said Wheaton doth sell to the said Donaldson the right and privilege of publishing a first edition of fifteen hundred copies of said Wheaton's twelfth volume of Reports of the Decisions of the Supreme Court of the United States, being the decisions of January term, one thousand eight hundred and twenty-seven. And the said Wheaton agrees that he will not publish, or cause or suffer to be published, another edition of said volume, until the whole of the said first edition is exhausted and sold by the said Donaldson; provided the said work shall be always publicly for sale at the price which shall be first set on the same with the usual discount at wholesale; and provided that the same shall be sold to the public at large at a price not exceeding five dollars the volume. And the said Wheaton further agrees to give to the said Donaldson the refusal of the right to publish another edition of the said twelfth volume, at the same price, and on the same terms, which may be offered by any other person or persons. And the said Donaldson agrees to pay to said Wheaton, for the right and privilege of publishing said first edition of said twelfth volume, the sum of seven hundred dollars, the receipt whereof is hereby acknowledged by the said Wheaton. And the said Donaldson hereby agrees to deliver eighty copies of the said twelfth volume at the office of the Secretary of State at Washington, for the use of the Government of the United States, without any expense to the said Wheaton or to the United States.

ROBERT DONALDSON,
HENRY WHEATON.

NEW YORK, *May* 29, 1827.

As to volumes two to twelve, inclusive, of said Wheaton's Reports, to prove the delivery, within six months of their respective publication, of a copy of said volumes respectively to the Secretary of State, to be preserved in his office, complainants gave in evidence the testimony of Daniel Brent, whose deposition is as follows. Endorsed—"Opened 24th Dec. 1832, by Jos. Hopkinson, in open court."

Deposition of Daniel Brent.

District of Columbia, ss.

HENRY WHEATON and ROBERT DONALDSON, Citizens of the State of New York, } *Complainants.*

vs.

RICHARD PETERS and JOHN GRIGG, citizens of the State of Pennsylvania, } *Defendants.*

In a cause depending in the Circuit Court of the United States for the eastern district of Pennsylvania, in the third circuit, sitting as a court of chancery, wherein Henry Wheaton and Robert Donaldson are complainants, and Richard Peters and John Grigg are defendants, personally appears before the mayor of the city of Washington, in the District of Columbia, Daniel Brent, who, being carefully examined and cautioned, and sworn to testify the whole truth, deposes upon the Holy Evangelists of Almighty God, and saith that deponent was chief clerk in the Department of State of the United States on the fourth of November, 1817, and has so continued to be chief clerk ever since; that the affairs and concerns of the department were at that time, as they have continued to be, intimately and particularly known

to him; and that, under the general superintendence and direction of the head of the department for the time being, the administration of them has devolved upon, and been exercised by him, the deponent, and others under his immediate direction, in matters not especially requiring the attention of the Secretary himself; that, from the deponent's general recollection, refreshed by a reference to original and authentic documents made out at the times, and establishing the facts, eighty copies of the volume of Wheaton's Reports, containing the decisions of the Supreme Court of the United States for February term, 1817, were delivered to the said Department of State on or before the fourth day of November, 1817: that the same number of copies of the subsequent volumes of the said reports, from two to twelve inclusively, were so delivered on or before the following times respectively: that containing the decisions of February term, 1818, on or before the twenty-fourth day of October, 1818; that of February term, 1819, on or before the twenty-first day of October, 1819; that of February term, 1820, on or before the eighteenth day of August, 1820; that of February term, 1821, on or before the fourteenth day of August, 1821; that of February term, 1822, on or before the nineteenth day of September, 1822; that of February term, 1823, on or before the thirtieth day of December, 1823; that of February term, 1824, on or before the tenth day of November, 1824; that of February term, 1825, on or before the twenty-third day of August, 1825; that of February term 1826, on or before the tenth day of March, 1827; that of February term, 1827, on or before the twenty third day of July, 1827: that all of said eighty volumes were received under the acts of Congress giving a salary to the said reporter for preparing and furnishing the said reports; and deponent further saith that there has always been, according to deponent's recollection, one or more complete sets of said reports, from the time of their publication in the said Department of State; but that deponent is unable to recollect or state more particularly when the same were first placed in said department, or for what purpose. This deponent further states that there does not appear any evidence in the department, to his knowledge, that the succeeding volumes of said reports, or copies of them, were deposited in the department by the maker or publisher of the same, as they were printed agreeably to the provisions of the laws of Congress for securing copy-rights to the authors, &c. &c., though the memorandum of similar deposites was kept in the Patent Office, a branch of the Department of State, and not at the department itself, for several of the first years referred to; and this deponent is under a thorough impression and belief that the memorandum of such deposites of books, and the giving of receipts for the same as they were lodged in the department, were often neglected to be made and given during the whole period referred to; that said sets of Wheaton's Reports are placed in, and constitute a part of the library of said department, and that the books of the library are often lent out to persons, including members of the bar, for reference; that the books placed in the department under the copy-right laws, are also placed in, and constitute a part of the same library, and are subject to be lent out in the same manner as the other books of the library.

DANIEL BRENT.

DISTRICT OF COLUMBIA, *ss.*

On this thirtieth day of April, 1832, personally came before me, John P. Van Ness, mayor of the city of Washington, Daniel Brent, of said city, who

was by me carefully examined and cautioned, and sworn, to testify the whole truth, and made and subscribed the foregoing deposition, to be used for the complainants in the cause therein mentioned, and after the same was reduced to writing, by the said deponent, in my presence. That the reason for taking the said deposition is, that said witness lives at a greater distance from the place of trial than one hundred miles. And I certify that I am not of counsel or attorney to either of the parties, or interested in the event of the cause; and that no notice from me to the adverse party, or his attorney, to be present at the taking of the same, was made out or served upon the adverse party, or his attorney, as neither is within one hundred miles of the place of caption of this deposition.

In testimony whereof, I have hereunto set my hand and seal, this thirtieth day of April, 1832, and have sealed up the said deposition, and directed the same to the court therein mentioned.

JOHN P. VAN NESS, [SEAL.]
Mayor of the city of Washington.

Also certificates of the tenor following, that is to say:

Vol. 2d. Certificate of receipt of 80 copies at Department of State.

No. 36,633.

The United States *To Henry Wheaton*, Dr.

For this sum, being one year compensation, from the 3d of March, 1817, to 2d March, 1818, for reporting and publishing the decisions of the Supreme Court of the United States, February term, 1817, pursuant to act of Congress of 3d March, 1817, - - Dollars, 1,000

AUDITOR'S OFFICE, *March* 9, 1818.

P. FERRALL.

We have received from Mr. Henry Wheaton, of New York, eighty copies of the Reports of the Decisions of the Supreme Court of the United States, pursuant to the act of the last session of Congress "to provide for reports of decisions of the Supreme Court" within the period prescribed.

DEPARTMENT OF STATE, *Nov.* 4, 1817.

DANIEL BRENT, *Chief Clerk.*

Vol. 3d. Certificate of receipt of 80 copies at Department of State.

No. 37,951.

The United States *To Henry Wheaton*, Dr.

1818, October 23. For annual compensation as reporter of the decisions of the Supreme Court of the United States, February term, 1818, - - $1,000

For the purpose of enabling the proper officers of the Treasury Department to ascertain whether the above claim for compensation is due, according to the provisions of the "act to provide for reports of the decisions of the Supreme Court," which act was approved on the 3d of March, 1817, it is hereby certified that Henry Wheaton has delivered at the office of this department eighty copies, as printed and published by him, of Reports of Cases Argued and Adjudged in the Supreme Court of the United States.

February term, 1818, without any expense to the United States, and that the delivery of that number of copies was completed on the 15th of the present month.

DEPARTMENT OF STATE, *Oct.* 24, 1818.

J. Q. ADAMS.

TREASURY DEPARTMENT, *Comp.'s Office, Oct.* 26, 1818.

A. A.

AUDITOR'S OFFICE, *Oct.* 26, 1818.

WM. PARKER.

No. 39,703.

Vol. 4th. Certificate of receipt of 80 copies at Department of State.

The United States *Dr. to Henry Wheaton.*

For amount allowed to him as an annual compensation for reporting and publishing the decisions of the Supreme Court of the United States, February term, 1819, pursuant to an act of Congress of 3d March, 1817. Dollars, 1,000

AUDITOR'S OFFICE, *October* 21, 1819.

WM. PARKER.

COMPTROLLER'S OFFICE, *October* 21, 1819.

LUND WASHINGTON.

In order to enable the proper officers of the Treasury Department to determine whether the reporter of cases argued and adjudged in the Supreme Court of the United States is entitled to the compensation allowed by law, according to the requisitions of "act to provide for reports of the decisions of the Supreme Court," for services in relation to the cases argued and adjudged at the term of that court, held February, 1819—I do hereby certify that Henry Wheaton, the reporter aforesaid, has caused to be delivered at the city of Washington, to the order of the Department of State, and without any expense to the United States, eighty copies of a volume purporting to have been printed and published in the city of New York, entitled "Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1819. By Henry Wheaton, Counsellor at Law. Vol. IV.;" and that the said eighty copies were received on the day of the date hereof.

J. Q. ADAMS.

DEPARTMENT OF STATE, *October* 21, 1819.

No. 41,141.

Vol 5th. Certificate of receipt of 80 copies at Department of State.

The United States *To Henry Wheaton*, Dr.

For this sum allowed him as annual compensation for reporting and publishing the decisions of the Supreme Court of the United States, February term, 1820, pursuant to an act of Congress of the 3d March, 1817, continued in force by an act of the 15th May, 1820, Dollars, 1,000

AUDITOR'S OFFICE, *August* 18, 1820.

THOS. G. SLYE.

COMPTROLLER'S OFFICE, *August* 19, 1820.

LUND WASHINGTON.

In order to enable the proper accounting officers of the Treasury Department to decide with respect to the payment of the annual compensation allowed to the reporter under the "Act to provide for reports of the decisions of the Supreme Court," which was approved on the 3d of March, 1817, and continued in force for three years, by an act of the 15th of May, 1820, according to a provision contained in "An act making appropriations for the support of Government for the year one thousand eight hundred and twenty;" I do hereby certify that eighty copies of "Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1820. By Henry Wheaton, Counsellor at Law. Vol. V."—have been duly delivered to me, as Secretary of State, without any expense to the United States.

Given under my hand at the Department of State, this eighteenth day of August, in the year 1820.

J. Q. ADAMS.

Vol. 6th. Certificate of receipt of 80 copies at Department of State.

No. 42,970.

The United States *Dr. to Henry Wheaton.*

For amount of his compensation for reporting and publishing the decisions of the Supreme Court of the United States, February term, 1821, pursuant to an act of Congress of 3d March, 1817, continued in force by an act of 15th May, 1820, - - - - Dollars, 1,000

AUDITOR'S OFFICE, 15*th August*, 1821.

WM. PARKER.

COMPTROLLER'S OFFICE, 18*th August*, 1821.

JOHN BURKE.

In order to enable the proper accounting officer of the Treasury Department to adjust and pay the annual compensation of the reporter of the decisions of the Supreme Court of the United States, to which he is entitled for the year 1821, according to the provisions of an act of Congress passed on the 3d day of March, 1817, entitled "An act to provide for reports of the decisions of the Supreme Court," I do hereby certify that Henry Wheaton did cause to be delivered at the Department of State, without any expense to the United States, on the 13th day of August, 1821, eighty copies of a volume of "Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1821. By Henry Wheaton, Counsellor at Law. Vol. VI."

In testimony whereof, I, John Quincy Adams, Secretary of State of the United States, have hereunto set my hand this 14th day of August, 1821, in the forty-sixth year of American independence.

JOHN QUINCY ADAMS.

Vol. 7th. Certificate of receipt of 80 copies at Department of State.

No. 44,669.

The United States *Dr. to Henry Wheaton.*

For amount of his compensation for reporting and publishing the decisions of the Su-

preme Court of the United States, February term, 1822, pursuant to an act of Congress of 3d March, 1817, continued in force by act of 15th May, 1820, - - - Dollars, 1,000

COMPTROLLER'S OFFICE, *September* 21, 1822.

WM. PARKER.

AUDITOR'S OFFICE, *September 20th*, 1822.

P. B. ANDERSON.

In order to enable the proper accounting officers of the Treasury Department to adjust and pay the annual compensation of the reporter of the decisions of the Supreme Court of the United States, to which he is entitled, for the year 1822, according to the provision of an act of Congress passed on the 3d day of March, 1817, entitled "An act to provide for reports of the decisions of the Supreme Court," I do hereby certify that Henry Wheaton did cause to be delivered at the Department of State, without any expense to the United States, on the 19th day of September, 1822, eighty copies of a volume of "Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1822. By Henry Wheaton, Counsellor at Law. Vol. VII."

In testimony whereof, I, John Quincy Adams, Secretary of State of the United States, have hereunto set my hand, this 19th day of September, 1822, in the forty-seventh year of American independence.

JOHN QUINCY ADAMS.

No. 46,526.

Vol. 8th. Certificate of receipt of 80 copies at Department of State.

The United States *Dr. to Henry Wheaton.*

For amount allowed him as an annual compensation for reporting and publishing the decisions of the Supreme Court of the United States, February term, 1823, pursuant to an act of Congress of the 3d of March, 1823. Dollars, 1,000

COMPTROLTER'S OFFICE, 2 *January*, 1824.

LUND WASHINGTON.

AUDITOR'S OFFICE, 1 *January*, 1824.

J. WILLIAMS.

In order to enable the proper accounting officers of the Treasury Department to adjust and pay the annual compensation of the Reporter of the decisions of the Supreme Court of the United States, to which he is entitled for the year one thousand eight hundred and twenty-three, according to the provisions of an act of Congress passed on the 3d day of March, in the same year, entitled "An act to continue in force the act entitled an act to provide for reports of decisions of the Supreme Court, passed the 3d day of March, one thousand eight hundred and seventeen," I do hereby certify that Henry Wheaton did cause to be delivered at the Department of State, without any expense to the United States, on the last day of November last, eighty copies of a volume of reports of cases argued and adjudged by the Supreme Court of the United States, February term, 1823. By Henry Wheaton, Counsellor at Law. Vol. VIII.

In testimony whereof, I, John Quincy Adams, Secretary of State of the

United States, have hereunto set my hand at the Department of State, this 30th December, A. D. 1823.

JOHN QUINCY ADAMS.

Vol. 9th. Certificate of receipt of 80 copies at Department of State.

No. 47,883.

The United States *Dr. to Henry Wheaton.*

For amonnt allowed him as an annual compensation for reporting and publishing the decisions of the Supreme Court of the United States, February term, 1824, pursuant to an act of Congress approved 3d March, 1823. - - - - - - Dollars, 1,000

AUDITOR'S OFFICE, *Nov.* 10, 1824.

WM. PARKER.

COMPTROLLER'S OFFICE, 11 *Nov.*, 1824.

LUND WASHINGTON.

Eighty copies of the 9 volume of Reports of Cases Argued and Adjudged in the Supreme Court of the United States, last February term, by Henry Wheaton, have been received at this office agreeably to law.

DANIEL BRENT, *Chief Clerk.*

DEPARTMENT OF STATE,
Washington 10*th November*, 1824.

Vol. 10th. Certificate of receipt of 80 copies at Department of Sate.

49,233.

The United States *Dr. to Henry Wheaton.*

For amount of his compensation for reporting and publishing decisions of the Supreme Court of the United States, February term, 1825, pursuant to an act of Congress of 3d March, 1823. - - - Dollars, 1,000

Mr. Brent informs that remittance is to be made to New York.

COMPTROLLER'S OFFICE, 23 *August*, 1825.

LUND WASHINGTON]

AUDITOR'S OFFICE, *August* 23, 1825.

WM. PARKER.

In order to enable the proper accounting officers of the Treasury Department to adjust and pay the annual compensation of the reporter of the decisions of the Supreme Court of the United States, to which he is entitled for the year 1825, according to the provisions of an act of Congress passed the 3d day of March, 1817, entitled "An act to provide for reports of the decisions of the Supreme Court," and since continued by divers acts, I do hereby certify that Henry Wheaton did cause to be delivered at the Department of State, without any expense to the United States, on the 20th day of August, 1825, eighty copies of a volume of Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February term, 1825. By Henry Wheaton, Counsellor at Law. Vol. X.

In testimony whereof, I, Henry Clay, Secretary of State of the United

States, have hereunto set my hand this 23d day of August, 1825, in the fiftieth year of American independence.

H. CLAY.

No. 51,771.

This department has received from Henry Wheaton, reporter of the decisions of the Supreme Court of the United States, eighty copies of the decisions of that court, in the 11th vol., without expense to this department, for which he claims a salary of one thousand dollars, agreeably to an appropriation at the last session of Congress.

11th. Vol. Certificate of receipt of 80 copies at Department of State.

DANIEL BRENT, *Chief Clerk.*

DEPARTMENT OF STATE, 10 *March*, 1827.

The United States *Dr. to Henry Wheaton.*

For amount of his annual compensation for reporting and publishing the decisions of the Supreme Court of the United States for the February term, 1826, pursuant to an act of Congress approved 22 February,* 1827 - - Dollars†, 1,000

COMPTROLLER'S OFFICE, *March* 14, 1827.

WM. ANDERSON.

AUDITOR'S OFFICE, 12 *March*, 1827.

WM. PARKER.

No. 52,371.

The United States *Dr. to Henry Wheaton.*

For amount of his annual compensation for reporting and publishing the Decisions of the Supreme Court of the United States for the January term, 1827, pursuant to an act of Congress of 22d February, 1827, - - Dollars, 1,000.

12th volume. Certificate of receipt of 80 copies at Department of State.

COMPTROLLER'S OFFICE, *July* 23*d*, 1827.

Examined. WM. ANDERSON.

AUDITOR'S OFFICE, 23 July, 1827.

WM. PARKER.

DEPARTMENT OF STATE,
Washington, 23 *July*, 1827.

This department has received from Henry Wheaton, reporter of the decisions of the Supreme Court of the United States, eighty copies of the decisions of that court, in the 12th volume, without expense to this department, for which he claims a salary of one thousand dollars, agreeably to an appropriation at the last session of Congress.

DANL. BRENT.

*By act of 13 May, 1826, sec. 1, chap. 37, page 34, after the year 1826, the sessions to commence on the 2d Monday in January.

†Published in the National Intelligencer of 8 March, 1827; act of appr. of 2d March, 1827, in do.

TREASURY DEPARTMENT,

Register's Office, 28 *April*, 1832.

I, Thomas L. Smith, Register of the Treasury Department, do hereby certify that the aforegoing documents, No. 36,633, 37,951, 39,703, 41,141, 42,970, 44,669, 46,526, 47,883, 49,233, 51,771, and 52,379, are true copies of the originals on file in this office.

T. L. SMITH,
Reg. Treasury.

Be it remembered, That Thomas L. Smith, esquire, who certified the aforegoing transcript, is now, and was, at the time of doing so, Register of the Treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof, I, Louis McLane, Secretary of the Treasury of the United States, have hereunto subscribed my name, and caused [SEAL.] to be affixed the seal of this department, at the city of Washington, this 28th day of April, in the year of our Lord one thousand eight hundred and thirty-two.

LOUIS McLANE,
Sec. of the Treasury.

And to prove the publication within two months from the dates of the respective records of the deposites of the titles of said volumes, of a copy of the said records respectively, in a newspaper printed in the United States, for the space of four weeks, the complainants gave in evidence the testimony of Elijah Paine, whose deposition is as follows:

Deposition of Elijah Paine.

HENRY WHEATON and ROBERT DONALDSON, *vs.* RICHARD PETERS and JOHN GRIGG. } *Circuit Court of U. S. Eastern District of Pennsylvania.—In Equity.*

EASTERN DISTRICT OF PENNSYLVANIA, *ss.*

Elijah Paine, of the city of New York, counsellor at law, being duly sworn, deposes and says, that he has been a resident of said city since the year 1817; and since that time has seen almost daily while they have been published, the daily newspapers published in said city, called the National Advocate, New York American, and Morning Herald; files of which papers are now by me produced, and known to me to be the files of said papers, and are the same files as are referred to in the annexed schedule of the advertisements of Wheaton's Reports copy-right.

And this deponent further saith, that he has personally examined said files for the purpose, and has found that the records of the copy-right of the respective volumes of said reports, was published in the said papers, as is set down in the said schedule made out from said files by this deponent.

And this deponent further saith, that, in the city and State of New York, it is customary to insert advertisements of legal notices and other legal proceedings, and advertisements generally required to be made, by law, only once in each week, although the paper may be published daily.

E. PAINE.

Sworn before me, this 31st December, 1832.

WILLIAM MILNOR, *Ald'n.*

Advertisement of copy-right of Wheaton's Reports in New York American, published in the city of New York.

1822.	VOL. SEVENTH.	1822.
Saturday, July 27	Saturday, August 17	
Tuesday, July 30	Friday, August 23	
Saturday, August 10	Saturday, August 31	
	Saturday, September 7	

1823.	VOL. EIGHTH.	1823.
Friday, October 24	Saturday, November 29	
Saturday, November 1	" December 6	
Saturday, November 8	" " 13	
" November 15		
" " 22		

1825.	VOL. TENTH.	1825.
Friday, June 24	Saturday, July 16	
Saturday, July 2	" " 23	
" " 9	" " 30	
	" August 6	
	" " 13	

1826.	VOL. ELEVENTH.	1826.
Saturday, July 22	Monday, August 21	
Monday, " 31	" " 28	
" August 7		
" " 14		

1827.	VOL. TWELFTH	1827.
Wednesday, June 27	Monday, July 16	
Monday, July 2	" " 23	
" " 9	" " 30	

Published in the New York National Advocate.

1818.	VOL. THIRD.	1818.
Tuesday, August 25	Thursday, September 10	
Wednesday, " 26	Friday, " 11	
Thursday, " 27	Saturday, " 12	
Friday, " 28	Monday, " 14	
Saturday, " 29	Wednesday, " 16	
Thursday, Sept. 3	Thursday, " 17	
Friday, " 4	Friday, " 18	
Saturday, " 5	Saturday, " 19	
Monday, " 7	Monday, " 21	
Tuesday, " 8	Tuesday, " 22	
Wednesday, " 9	Wednesday, " 23	
	Saturday, " 26	

1819. VOLUME FOURTH. 1819.

Saturday,	August	28	Wednesday,	September	8
Monday,	"	30	Thursday,	"	9
Tuesday,	"	31	Friday,	"	10
Wednesday,	Sept.	1	Saturday,	"	11
Thursday,	"	2	Monday,	"	13
Friday,	"	3	Tuesday,	"	14
Saturday,	"	4	Wednesday,	"	15
Monday,	"	6	Thursday,	"	16
Tuesday,	"	7	Friday,	"	17

VOLUME FIFTH.

1820. 1820.

Wednesday,	July	12	Friday,	August	4
Thursday,	"	13	Saturday,	"	5
Friday,	"	14	Monday,	"	7
Saturday,	"	15	Tuesday,	"	8
Monday,	"	17	Wednesday,	"	9
Tuesday,	"	18	Thursday,	"	10
Wednesday,	"	19	Friday,	"	11
Thursday,	"	20	Saturday,	"	12
Friday,	"	21	Monday,	"	14
Saturday,	"	22	Tuesday,	"	15
Monday,	"	24	Wednesday,	"	16
Tuesday,	"	25	Thursday,	"	17
Wednesday,	"	26	Friday,	"	18
Thursday,	"	27	Saturday,	"	19
Friday,	"	28	Monday,	"	21
Saturday,	"	29	Tuesday,	"	22
Monday,	"	31	Wednesday,	"	23
Tuesday,	August	1	Thursday, (paper not on file)		
Wednesday,	"	2	Friday,	August	25
Thursday,	"	3	Saturday,	"	26

Advertisements published in New York American, published in the city of New York.

VOLUME SIXTH.

1821. 1821. 1821.

Tuesday,	July	17	Thursday,	August	2	Thursday,	Aug't	16
Wednesday,	"	18	Friday,	"	3	Friday,	"	17
Friday,	"	20	Saturday,	"	4	Saturday,	"	18
Saturday,	"	21	Monday,	"	6	Monday,	"	20
Tuesday,	"	24	Tuesday,	"	7	Tuesday,	"	21
Wednesday,	"	25	Wednesday,	"	8	Wednesday	"	22
Thursday,	"	26	Thursday,	"	9	Thursday,	"	23
Friday,	"	27	Friday,	"	10	Friday,	"	24
Saturday,	"	28	Saturday,	"	11	Saturday	"	25
Monday,	"	30	Monday,	"	13	Monday,	"	27
Tuesday,	"	31	Tuesday,	"	14	Tuesday,	"	28
Wednesday,	Aug.	1	Wednesday,	"	15	Wednesday,	"	29

1821.	1821.	1821.
Thursday, Aug't 30	Monday, Sept. 3	Thursday, Sept. 6
Friday, " 31	Tuesday, " 4	July 19 and 23 lost from
Saturday, Sept. 1	Wednesday, " 5	file.

Advertisements published in the Morning Herald, of the city of New York.

VOLUME FIRST.

First deposite of record for continuing the copy-right after the expiration of the first fourteen years, made on the 14th day of May, 1830.

	1830.	1830.	1830.	1830.
Saturday,	May 15	May 26	June 2	June 9
	" 17	" 27	" 3	" 10
	" 20	" 28	" 4	" 11
	" 21	" 29	" 5	" 12
	" 22	" 31	" 7	" 14
	" 24	June 1	" 8 Tuesday,	" 15
	" 25			

Second deposite of same, made on the 14th June, 1830.

Wednesday,	June 16	June 24	July 3	July 15
	" 17	" 25	" 7	" 16
	" 18	" 26	" 8	" 17
	" 19	" 29	" 9	" 19
	" 21	" 30	" 13	" 20
	" 22	July 1	" 14	" 21
	" 23	" 2		

Admission of defendan s as to publication.

And the admission of the defendants, by whom it was admitted at the hearing that the said publications were made as stated in the said deposition, and that the newspapers therein mentioned were considered as being produced and read in evidence, and found conformable to the statements in the said deposition contained.

3d volume of Condensed Reports.

And also the 3d volume of the Condensed Reports of the Supreme Court of the United States, being, as to pages 462 to 635, inclusive, the publication complained of in the bill, and admitted in the answer. (Prout volume.)

1st and 2d volumes of do.

And also the 1st and 2d volumes of the same work, volumes 1 to 9 of Cranch's Reports, and 3 and 4 of Dallas's Reports, which, by agreement, were considered as in evidence. (Prout volumes.)

Proposals by defendant to publish do.

Also, the proposals of defendant for publishing the said Condensed Reports, dated Philadelphia, June, 1828, being the exhibit A, annexed to bill, and admitted in answer, and of same tenor, viz.

Proposals for publishing, by subscription, the Cases decided in the Supreme Court of the United States, from its organization to the close of January term, 1827.

The Supreme Court of the United States has been organized for thirty-eight years, and its decisions form in themselves almost an entire code of laws. Many of the difficult and important questions of constitutional con-

struction, and of the nature and extent of the powers reserved, granted, and claimed, under the constitution, have passed under the careful observance and judgment of the court. International questions of the highest moment; numerous points of general commercial law; principles upon which, as its deep and broad foundations, the law of evidence rests; the construction of statutes of the United States; the rules and statutes, by which the titles derived under the United States to the lands held by the enterprising and prosperous inhabitants of the vast and fertile regions of the south and west, are permanently governed—all have subjects of investigations and final adjudication in this court.

The chancery jurisdiction of the federal courts has brought before the Supreme Court, in submission to its scrutiny and judgment, most of the rules of equity practice, and much of general chancery law; and the right of appeal and writ of error, by which cases arising in the courts of the District of Columbia may be removed for final determination, has obliged the court to decide many points which, but for this domestic jurisdiction, might not have been brought under its consideration. Many of the questions which are presented in cases from the District of Columbia, are of usual occurrence in the common transactions and business of life, and are of very general application and influence.

Considerations growing out of these circumstances seem to impose the necessity that the law thus general, thus established, thus supreme, should be universally known. That there should be found but few copies of the reports of the cases decided in the Supreme Court of the United States, in many large districts of our country in which there are Federal and State judicial tribunals, is asserted to be a frequent fact. In some of those districts, it is positively averred that not a single complete copy of all the reports is in the possession of any one; and thus the great and overruling law of the land is almost unknown in many populous parts of the Union. These things should not be.

It will not be denied that these circumstances are the consequences of the heavy expense which must be incurred by the purchase of the two volumes of the Reports of Mr. Dallas, the nine volumes of Mr. Cranch, and the twelve of Mr. Wheaton's Reports—together twenty-three volumes, the cost of which exceeds one hundred and thirty dollars.

It is proposed to publish all the cases adjudged in the Supreme Court of the United States from 1790 to 1827, inclusive, in a form which will make the work authority in all judicial tribunals, and to complete the publication in not more than six volumes, the price of which shall not exceed thirty-six dollars. The opinion of the court upon all the points decided, in every case, will be given in the language of the court expressing the determination; and such a statement or abstract of the facts on the office record of the cause will be made, as will fully exemplify the decisions of the court. The Reports this day published will continue the series.

The matter will not be abbreviated, so as to omit any thing which is important, or may be in any manner a part of the essential features of the case. An abridgment is not contemplated; the work is intended to be of a higher order; and it will only be from want of ability in the editor if it does not contain a complete and faithful representation of the material and useful parts of every case adjudged by the court up to the period stated. If there are any unpublished cases decided by the court, and the editor can obtain them, they will be inserted in this work.

An effort will be made to give a reference in each case to the parallel cases which have been decided by the court, and, in some instances, the reported and manuscript decisions upon the same questions in the circuit courts of the United States will be noted. Each case will be preceded by a copious syllabus, itself a digest of the matter it contains, and, after the work shall be completed, all this matter will be arranged in a supplemental or general index, in which will be also included abstracts of the cases which may be contained in the volumes the editor, as the reporter of the decisions of the court, may publish hereafter, prior to the period when he shall have fully executed the contemplated work. This may form an additional volume, if the profession and the public shall require it.

It is not considered that the work now announced, and part of the materials for which are arranged, will interfere with the interests of those gentlemen who have preceded the reporter in the station he has the honor to hold. Deeply as he is impressed with the absolute necessity of the work announced, he would exceedingly regret such an interference. Their volumes will always be standards for reference, and of the highest authority; and every member of the profession who has ability to purchase them, will own them. The legal rights of the proprietors of those most able and valuable works will be carefully respected. Nothing will be inserted in the contemplated publication but matters which are of public record, and which, from their very nature, cannot be the subject of literary property. The opinions of the court, which are public property, are referred to.

Indeed the work proposed, like the Digest of Mr. Wheaton, in which was included all the points reported as decided, in the volumes of Mr. Dallas and Mr. Cranch, will, it is believed, increase the demand for the original reports, as their superior merits and accuracy will, by its means, become more generally known.

A valuable addition to the library of every lawyer will soon be made in a digest of all the decisions of the courts of the United States, which is nearly completed, by Richard S. Coxe, esq , of the city of Washington, a gentleman of great legal learning, discrimination, and judgment, upon a plan of very superior arrangement; and this, too, as well as the work which has been commenced by the reporter, will contribute to increase the reputation of the original reports of cases decided in the Supreme Courts of the United States, for which the public are so largely indebted to Mr. Dallas, Mr. Cranch, and Mr. Wheaton.

Should the proposed work have the support of the profession, to whose patronage it is now respectfully submitted, it is intended to put the first volume to press without delay; and that the whole shall be completed at an early period. Subscriptions are therefore earnestly solicited, and those who are disposed to encourage the undertaking, will promote its speedy accomplishment by giving to it, promptly, the sanction of their names upon the subscription list.

The terms of subscription are, for each volume, neatly bound, six dollars. Booksellers and others, who subscribe for twenty copies, will be entitled to a deduction of twenty per cent., and four months' credit; for fifty copies, twenty-five per cent., and six months' credit. The price to non-subscribers will be six dollars in boards.

Subscriptions received by Philip H. Nicklin, law bookseller, Chesnut street, Philadelphia.

PHILADELPHIA, *June*, 1828.

Letter—Def't Peters to S. Gould.

Also a letter of 14th June, 1828, from defendant Peters to S. Gould, of New York, in these words:

PHILADELPHIA, *June* 14, 1828.

Mr. S. GOULD, N. York:

I have received your letter of the 12th. Mine, to which it is a reply, contains all I can say on the subject of the reports of the late decisions of the Supreme Court United States, save only, that I am perfectly confident in the liberality of Mr. Nicklin, and that I feel assured he will, in the course of his agency for me, act with entire towards yourself and all others.

I enclose, for your *private* perusal, the proposals for the work I have commenced. You will find an advantage offered to you, and to all others who shall obtain subscribers. I have no objection to modify the terms for those who undertake to procure subscribers so as to give to every one who obtains twenty subscribers, twenty per cent., fifty subscribers, twenty-five per cent., and one hundred subscribers, thirty per cent.; the subscribers to take and pay for the books before the 20, 25, or 30 per cent. shall be paid. I shall be prepared next week to attend to proposals upon this subject.

I by no means consider that the work I propose will injure the sale of Mr. Wheaton's valuable reports. In truth, very many persons will be disposed to buy his volumes after my Condensed Cases shall come up to 1816, or anticipating that fact. I do know that many do not now purchase Wheaton, because they have not Cranch and Dallas, and who are unwilling to purchase these reports. Again, it is to be recollected that seven terms must elapse before I arrive at the year 1816. These are my sincere convictions.

I am, sir, respectfully yours,
RICH. PETERS, Jr.

Letter from Donaldson to Peters.

Also a letter from complainant, Donaldson, to defendant, Peters, dated 25th September, 1828, in these words:

R. PETERS, Esq.

SIR: In a letter just received from a bookseller in Boston, I have had the following query put to me: Please inform us if the edition proposed by Mr. Peters, of Philadelphia, to be published by subscriptions, viz. the cases decided in the Supreme Court of the United States from its organization to the close of January term, 1827, and to know if it is to be published with my consent, and when it is to be out. You will oblige me by answering the former and latter part of this query, as I would not wish, in my answer to said bookhouse, to give other than the facts. For myself, I readily anticipate your answer; that you will not issue such a work, the effect of which would be to me literally ruinous on a large amount of property I have vested in the work, which I have been endeavoring to accumulate from my labor and care of 12 years; likewise, the injury that would be done to my absent friend, Henry Wheaton, esq., by such a publication, and the result of which would be to deprive him and his family of the pecuniary reward due to his professional labors of 12 years. However, should you see fit to bring out such a work, we must, under such circumstances, look to the laws of our

country for redress of so great an injury as would thereby be done us. But, ere you receive this, I have little doubt but that you have determined to pursue a more honorable course, by having abandoned said project. *This* being the case, please, by a frank avowal, enable me to make a public declaration of the fact. I assure you, since the issue of your proposals, I have not been able to effect any sales that signifies of said books; and many stood ready to purchase, but declined, saying if you brought out such a work they would wait. Please restore me to the use of my property effected thereby.

Very respectfully, yours, &c.
ROBERT DONALDSON.

25th September, 1828.

Also, defendant Peters's reply to said letter, dated 26th Sept., 1828, with certain enclosures therein referred to, which reply and enclosures are in these words: Peters's answer to do.

Copy of letter from Hon. Judge Cranch to R. Peters, jr.

WASHINGTON, D. C., *July* 18, 1828.

DEAR SIR: I have been informed that you propose to publish a new edition of my reports. It is with great reluctance that I deem it my duty to others to inform you that I have not yet been reimbursed the actual expense of publishing my three last volumes by one thousand dollars, and that I must insist upon all my legal rights. And enclosures.

Answer.

PHILAD'A, *August* 14, 1828.

Hon W. CRANCH, *Washington:*

DEAR SIR: I have been absent from this city since the 18th of July, and this moment have your letter of that date.

I do assure you, in the kindest spirit, I shall not object to your insisting on your legal rights in reference to your Reports, and, should I invade them, I must submit to the consequences. I do not, nor have I ever, desired to propose to publish a new edition of your reports. My plan is to publish, in a condensed form, the decisions of the Supreme Court of the United States; and as the opinions of the court cannot be the subject of copy-right, neither can the facts of the cases be the property of any one, my work will not be obnoxious to the laws protecting literary property. These are opinions which have had high professional sanction, and by which I am willing to abide. I have issued a prospectus of my work, a copy of which I take the liberty to enclose. From every part of the United States, I have received expressions of the highest approbation of my plan; and the beneficial influence in our country of placing the decisions of the court within the power of many who cannot purchase the reports at their present price, is admitted by all. I have not adopted the opinion that my work will injure the sale of your or Mr. Wheaton's Reports: on the contrary, I think they will be more in demand as their more valuable contents shall, by my means, be made more known. All booksellers say "digests" promote the sale of original works. My work will be a "digest" of the facts of the cases, and the opi-

ions of the court—no more. I beg you will not consider this as intended to extract from you any observations on my plan. I assure you I am desirous to have our relations upon this matter on the ground they rest in connection with your letter of the 18th July.

Mr. ROBERT DONALDSON, *New York:*

SIR: In reply to your letter of the 25th, I have forwarded you a copy of my correspondence with Judge Cranch, to which I refer for my views and determinations upon the matters which are the subject of your communication.

I am, your ob't serv't,
RICH. PETERS.

PHILA., *Sept.* 26, 1828.

Letter from Peters to Grigg.

Also, a letter of 20th March, 1831, from defendant Peters to defendant Grigg, being exhibit B annexed to bill, and admitted in answer, and of same tenor, viz.

(Copy.)

WASHINGTON, *March* 2, 1831.

Mr. JOHN GRIGG, Philadelphia:

DEAR SIR: Your letter of the 28th ultimo, communicating a copy of a letter from Mr. O. Halsted, of New York, under date of the 26th of February, has been received. In that letter, Mr. Halsted states that he is "threatened with a prosecution if he sells the third volume of the Condensed Reports of Cases in the Supreme Court of the United States "edited by me," as it contains a condensation of the first volume of Wheaton's Reports." Mr. Halsted also says, "I should be pleased to sell the work, and no doubt I could dispose of a number of copies, but do not wish to involve myself in difficulty."

The prudence and caution of Mr. Halsted are proper; and I do not complain of them. It is for myself, who have undertaken the publishing of this work with a firm determination to complete it, to encounter every "difficulty" which may attend the same. I have heretofore stated to you in writing, and I now repeat the declaration, that I am ready to encounter those difficulties; nor do I ask any one to share them. I have said it, and I now repeat the assurance, I will indemnify, and save harmless from all costs and damages, all who publish or sell the work.

The prospectus of the Condensed Reports has been before the public for upwards of two years. In that prospectus it was distinctly and explicitly avowed, and the same is stated in the title pages of the first and second volumes, published in 1830, that the work will contain "the whole series of the decisions of the Supreme Court of the United States from its organization to the commencement of Peters' Reports in 1827." In express terms, the prospectus declares "that the Condensed Reports would contain the cases found in the volumes of Mr. Dallas, the nine volumes of Mr. Cranch, and the twelve volumes of Mr. Wheaton."

Thus, sir, all those who "threaten a prosecution" have had a full knowledge of the entire scope and purpose of this work for the period mentioned: and no application has been made to any judicial tribunal to stay its progress. Nor is this all: as soon as my work was announced, I was ap-

plied to, by a gentleman of New York, a bookseller, and was required to relinquish it on the ground that it would violate his copy-right in the reports of Mr. Wheaton. He "threatened" me with the consequences of going on in my purpose." To this I replied, promptly, that I would proceed with the publication, and that he was at liberty to employ all legal means for the maintenance and protection of his rights, if any existed.

It is known that the laws of the United States relative to copy-right afford those means. An injunction may be obtained, if a copy-right has been secured in a work, to prevent the publication of any work which will interfere with the property so secured. The injunction will be perpetuated, if cause exists; and the protection will be permanent. Any injury which the proposal of the unlawful publication may have threatened, will be remedied, and the notoriety of judicial proceedings will restore the author or proprietor of the original work to all the rights and benefits of his copy-right. It is not necessary that the rival work shall have been published to give the court jurisdiction in the case. The proposition to publish it is a sufficient foundation for the action of the courts of the United States to proceed by injunction under the acts of Congress.

Why, therefore, it is asked—nay, it is demanded—has not this, have not other measures of an equivalent character been resorted to by those who have "threatened," and do "threaten," to prosecute for the publication of my Condensed Reports? It is because those who thus "threaten" know there is no copy-right for the reports of Mr. Wheaton, or for any one volume of the work. They know that the requisites of the acts of Congress of 1790 or 1802 have not been complied with. They know that if they present themselves before a court to assert a copy-right, they would fail in the attempt, and that it would be judicially declared that no such copy-right exists. While they thus avoid the public and certain consequence of such a proceeding, they hope to profit by threatening the timid, and all those who are properly desirous to avoid "difficulty." Thus they gain by threats which they do not intend to carry into action, and they avoid the exposure of the weakness of the title they assert.

I aver that there does not exist a copy-right legally secured to any one volume of Mr. Wheaton's Reports; and I challenge an application to any court to maintain such a right. In addition to other objections to the pretended claim to a copy-right resting on other facts and principles, I have in my possession the certificate of the Secretary of State of the United States, that not a single volume of Mr. Wheaton's Reports has been deposited in the office of the Secretary of State for the purpose of securing a copy-right. This omission is fatal—so it has been decided, as I am well assured, in New York; and I abstract a decision of Mr. Justice Washington, which is conclusive on the question.

"To entitle the author of a book to a copy-right, he must not only deposite a printed copy of such book in the clerk's office, but he must also publish a copy of the record of the title within the period and for the length of time prescribed by the third section of the act of 1790; and must also deposite a copy of the book in the Secretary of State's Office within six months after the publication of the book." "He must perform all the requisites of the acts of 1790 and 1802, before he is entitled to the benefits of the act. The act will admit of no other construction" Ewer et al. v Coxe, and Carey and Lea, 4 Washington's Circuit Court Reports, 487.—3 Peters's Condensed Reports, 373, notes.

A few words more on this matter. Mr. Halsted says "he is threatened with a prosecution for selling the third volume of the Condensed Reports, because the first volume of Wheaton is condensed in that volume." Can there be a more complete proof of the absence of all right in those who threaten than is exhibited by this fact? It is in New York those threats are made—no one in Philadelphia has threatened; and yet no copy-right for 1st Wheaton was ever asserted to belong to any one in New York, and, had one been regularly secured, it has expired. The work was entered for copy-right by the venerable Matthew Carey, esq., of our city, on the 20th of December, 1816. The law gives a right, if its requisites are complied with, for fourteen years. That period terminated on the 20th December, 1830, and the 3d Condensed Reports was not published until February, 1831.

I can add no more on this subject. The work will go on. The fourth volume, to contain at least three volumes of Mr. Wheaton's Reports, will be put to press soon after the month of April. I invite investigation of the legality of my publication—I challenge it. I stipulate to indemnify, and save harmless, all who publish or sell the work, and to take defence in any prosecution which may be instituted against them. I authorize and request you to furnish a copy of this letter, either printed or written, to Mr. Halsted, and to any other person. I request him to hand a copy of it, as from me and by my authority, to those who have threatened him, or may threaten him with a prosecution.

Nothing, sir, can stay the progress or the success of the Condensed Reports. As you know, the greater part of the first edition has been disposed of, and you have proposed to me to put another to the press. Congress yesterday, by a joint resolution passed under circumstances particularly gratifying to me, authorized the purchase of seventy copies of the work. It is in constant use in the Supreme Court of the United States, by the bench and the bar. Every day new demands are made for it, and additional evidence received of its usefulness.

It has placed the decisions of the Supreme Court within the power of very many who could not purchase the works of Mr. Dallas, Mr. Cranch, and Mr. Wheaton, in consequence of their great cost.

All the cases decided in the Supreme Court of the United States, reported by Mr. Dallas, Mr. Cranch, and Mr. Wheaton, will be contained in this work, with notes of all the Circuit Court decisions, and it may be purchased for one-fifth of the original cost of those works. It will diffuse a knowledge of the decisions of that high court, and of those of the circuit courts, and will thus strengthen and secure the foundations of the federal judiciary. These will be my rewards for the labors of the publication, and their anticipation has been the chief inducement to undertake it.

I am yours, very respectfully,

RICHARD PETERS.

Evidence on part of the defendants.

And, thereupon, the respondent, Richard Peters, gave in evidence a certificate of the 6th of July, A. D. 1828, from the Department of State of the United States, in these words:

Peters's Rep's, vol. 1.

No. 464.—To all to whom these presents shall come, greeting:

Certificate of deposite of copy of work at Department of State.

I certify that Richard Peters, junior, has, this sixth day of July, in the year of our Lord one thousand eight hundred and twenty eight, and of independence the fifty-second, deposited in the office of the Department of State a certain book, consisting of 744 pages, entitled

"Reports of Cases Argued and Adjudged in the Supreme Court of the United States, January term, 1828. By Richard Peters, junior, Counsellor at Law, and Reporter of the Decisions of the Supreme Court of the United States. Vol. I."

The copy-right whereof is claimed by Richard Peters, junior, as proprietor, under the provisions of "An act for the encouragement of learning, by securing the copies of maps, charts, and books to the authors and proprietors of such copies, during the times therein mentioned," passed on the 31st day of May, A. D 1790; and of "An act supplementary to an act entitled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned,' and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints," passed on the 29th of April, A. D. 1802.

[L. S.] Given under my hand as the Secretary of the Department of State of the United States, with the seal of the said department affixed, at the city of Washington, the day and year first above written.

H. CLAY.

Also, another such certificate of the 3d day of July, A. D 1830, in these words: Do. Do. Peters's Reports. Vol. 3.

No. 970. To all to whom these presents shall come, greeting:

I certify that Richard Peters has, this third day of July, in the year of our Lord one thousand eight hundred and thirty, and of in dependenec the fifty-fourth, deposited in the office of the Department of State a certain book, consisting of five hundred and forty-eight pages, entitled

"Reports of Cases Argued and Adjudged in the Supreme Court of the United States, January Term 1830. By Richard Peters, Counsellor at Law, and Reporter of the Supreme Court of the United States.—Vol. 3."

The copy-right whereof is claimed by Richard Peters, as proprietor, under the provisions of "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned," passed on the 31st day of May, A. D. 1790; and of "An act supplementary to an act entitled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the time therein mentioned,' and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints," passed on the 29th of April, A. D. 1802.

Given under my hand, as the Secretary of the Department of State of the United States, with the seal of the said department affixed, at the [L. S.] city of Washington, the day and year first above written.

MARTIN VAN BUREN.

Also, another such certificate of the 23d day of August, A. D. 1830, in these words: Condensed Reports, vol. 2.

No. 1020.—To all to whom these presents shall come, greeting:

I certify that Richard Peters has, this twenty-third day of August, in the year of our Lord one thousand eight hundred and thirty, and of independence the fifty-fifth, deposited in the office of the Department of State a certain book, consisting of seven hundred and thirty-six pages, entitled

"Condensed Reports of Cases in the Supreme Court of the United States, containing the whole series of the Decisions of the Court, from its organization to the commencement of Peters's Reports, at January term, 1827; with copious notes of parallel cases in the Supreme and Circuit Courts of the United States. Edited by Richard Peters, Counsellor at Law, and Reporter of the Decisions of the Supreme Court of the United States. Vol. 2. From February term, 1807, to February term, 1813, inclusive."

The copy right whereof is claimed by Richard Peters as proprietor, under the provisions of "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned," passed on the 31st day of May, A. D. 1790, and of "An act supplementary to an act entitled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned,' and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints," passed on the 29th of April, A. D. 1802.

[L. s.] Given under my hand, as the Secretary of the Department of State of the United States, with the seal of the said department affixed, at the city of Washington, the day and year first above written.

M. VAN BUREN.

Also, another such certificate of the 25th day of August, A. D. 1830, in these words:

Peters's Rep'ts vol. 4. No. 1021.—To all to whom these presents shall come, greeting:

I certify that Richard Peters has, this twenty-fifth day of August, in the year of our Lord one thousand eight hundred and thirty, and of independence the fifty fifth, deposited in the office of the Department of State a certain book, consisting of six hundred pages, entitled

"Reports of Cases Argued and Adjudged in the Supreme Court of the United States, January term, 1830. By Richard Peters, Counsellor at Law, and Reporter of the Decisions of the Supreme Court of the United States. Vol. 4."

The copy-right whereof is claimed by Richard Peters as proprietor, under the provisions of "An act for the encouragement of learning, by securing the copies of maps, charts, and books to the authors and proprietors of such copies, during the times therein mentioned," passed on the 31st day of May, A. D. 1790; and of "An act supplementary to an act entitled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned,' and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints," passed on the 29th of April, A. D. 1802.

[L. s.] Given under my hand, as the Secretary of the Department of State of the United States, with the seal of the said department affixed, at the city of Washington, the day and year first above written.

M. VAN BUREN.

Decree. 1833, January 9th. This cause came on to be heard on bill, answer, and replication, and the testimony oral and written, and documents and writings in evidence. Whereupon, it is decreed that the injuction be dissolved, and that the complainants' bill be dismissed, with costs.

Whereupon, the complainants aforesaid, by John Cadwalader, esq. their attorney, pray leave to appeal from the said decree to the Supreme Court of the United States; and the same is allowed. Appeal.

1833, April 1. By writing filed, it is agreed that the twelve volumes of Wheaton's Reports, the three volumes of the Condensed Reports of the Supreme Court, the nine volumes of Cranch's Reports, and the third and fourth volumes of Dallas's Reports, be considered as forming part of the record in this cause, and be referred to accordingly, with the same effect as if thereto annexed.

JOHN CADWALADER, *for Comp'ts.*

April 1, 1833. J. R. INGERSOLL, *for Defendants.*

UNITED STATES,
District of Pennsylvania, } *ss.*

Certificate of the Clerk.

I certify the foregoing to be a true and faithful copy of the record and proceedings of the Circuit Court of the United States in and for the district of Pennsylvania, in the third circuit, in a certain suit in equity therein lately depending between Henry Wheaton and Robert Donaldson, citizens of the State of New York, complainants, and Richard Peters and John Grigg, citizens of the State of Pennsylvania, defendants.

[L. S.] In testimony whereof, I have hereunto subscribed my name, and affixed the seal of the said court, at Philadelphia, this twenty-seventh day of March, A. D. 1833, and in the fifty-seventh year of the independence of the said United States.

FRA'S HOPKINSON,
Clerk Circuit Court.